IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 12th OF JUNE, 2023

M.CR.C. NO. 7383 OF 2023

BETWEEN:-

DIGVIJAY SINGH, SON LATE SHRI BALBHADRA SINGH JI, AGED ABOUT 75 YEARS, MEMBER OF PARLIAMENT (HOUSE OF STATES); R/O. 64, LODHI ESTATE, NEW DELHI (DELHI), R/O. B-1, SHYAMLA HILLS, BHOPAL (M.P.) & R/O. RAGHAUGARDH FORT, DISTRICT GUNA (M.P.)

....PETITIONER

(BY SHRI AJAY GUPTA – SENIOR ADVOCATE WITH SHRI RAJEEV MISHRA - ADVOCATE)

AND

AWDHESH SINGH, S/O. SHRI SAHAB SINGH BHADAURIA, AGED ABOUT 45 YEARS, OCCUPATION ADVOCATE, R/O. B-94, PUSHKAR COLONY, GOLE KA MANDIR, GWALIOR, DISTRICT GWALIOR (M.P.)

.....RESPONDENT

(BY SHRI AMIT DUBEY – ADVOCATE)

.....

Reserved on : 17.04.2023
Pronounced on : 12.06.2023

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This petition having been heard and reserved for orders, coming on for pronouncement this day, the Court pronounced the following:

ORDER

Since learned counsel for the parties are ready to argue the matter finally, therefore, it is finally heard.

2. The present petition is filed by the petitioner under Section 482 of Cr.P.C. for quashing the order dated 20.06.2022 passed in Private Complaint No. SC-PPM-28-2022 by Judicial Magistrate First Class and also the order dated 22.11.2022 passed by the Court of Special Judge, MP/MLA, Gwalior, taking cognizance on a complaint filed by the respondent alleging commission of offence under Section 500 of IPC against him. By the order passed by the Court below, complaint has been registered by the Court after reaching the conclusion that *prima facie* offence under Section 500 of IPC is made out against the present petitioner.

3. Counsel for the petitioner has criticized the order dated 20.06.2022 mainly on the ground that the said order has been passed by the Court below without application of mind as complaint was not maintainable at the behest of respondent and secondly no enquiry as per the requirement of Section 202 of Cr.P.C. was initiated by the Magistrate so as to register the complaint against the present petitioner who was residing out of territorial jurisdiction of the Court concerned.

4. For deciding the issue involved in the case, necessary facts are being unfrulled as under:-

4.1 That, a private complaint was filed by the respondent under Sections 499 and 500 of IPC before the Judicial Magistrate First Class, Gwalior alleging therein that he is an Advocate by profession and a worker of Rashtriya Swayam Sewak Sangh (hereinafter referred to as ‘R.S.S.’) and also inviting member of Bhartiya Janta Party (hereinafter

referred to as the 'B.J.P.') Gwalior. The present petitioner was a former Chief Minister of Madhya Pradesh and at the relevant point of time, he was Member of Parliament. It is alleged against the present petitioner that on 31.08.2019, he had falsely blamed upon the workers of R.S.S. and B.J.P. saying them the detectives/spices of Pakistan, who are being financed by Bajrang Dal, B.J.P.. It was alleged against the petitioner that he had said that the persons who are working for I.S.I. and got arrested were mostly non-muslims but not the muslims. The actual version which was made by the petitioner reads as under:-

> ''एक बात मत भूलिए जितने भी पाकिस्तान के लिए जासूसी करते पाए गए हैं, बजरंग दल, भाजपा, आई एस आई से पैसा ले रहे हैं, इस पर थोडा ध्यान दीजिए और एक बात और बताउ पाकिस्तान से आई एस आई के लिए जासूसी मुसलमान कम कर रहे हैं, गैर मुसलमान ज्यादा कर रहे हैं।**"**

4.2 This statement was published on 01.09.2019 in a daily newspaper of City Gwalior i.e. Patrika which has wide circulation in Gwalior town at Page No.9 with a title "आई•एस•आई• के लिए जासूसी कर रहे भाजपा और बजरंग दल के लोग". This matter has also been shown in electronic media on 31.08.2019 in T.V. channels countrywide and sufficient material was produced before the Court below along with the certificate under Section 65-B of the Evidence Act. It is alleged in the complaint that the blame made by the present petitioner is false and irrelevant and only with an intention to bleak the reputation of the workers of R.S.S. and B.J.P. It is also alleged that there was no foundation and material available with the petitioner to make such statement and this statement, according to him was defamatory and the same caused adverse opinion in the mind of general public with regard to workers and members of R.S.S. and B.J.P. as if they are terrorists and agents of Pakistan. This defamatory statement has caused a great dent to the image of the workers of R.S.S. and B.J.P. and, therefore, a private complaint was

made by the complainant/respondent against the petitioner.

4.3 That, the Court below recorded the statement of complainant as well as other witnesses namely Awdhesh Singh Bhadauri, Arun Sharma, Ravi Sikarwar and Anil Banwaria under Section 200 of Cr.P.C. Several documents have also been submitted by the complainant/respondent in support of his complaint and also to show that he is a member of Bhartiya Janta Party, Bhartiya Yuva Morcha and also working for R.S.S. At the first instance, the trial Court dismissed the complaint and not registered the case as according to the Court, there was no sufficient material to initiate the complaint. The order was passed on 11.01.2020 but that order was challenged before the revisional Court in a criminal revision registered as Cr.R. No.37/2020. The Special Court vide order dated 18.05.2022, set aside the order dated 11.01.2020 passed by the Judicial Magistrate First Class, Gwalior, remitting the matter back for re-considering the matter. Thereafter, the learned trial Court has reconsidered the matter and registered the private complaint vide order dated 20.06.2022 and also initiated proceeding against the petitioner for an offence punishable under Section 500 of IPC.

4.4 Challenging the said order, this petition has been filed by the petitioner on the ground that there is no sufficient material available before the Court below for initiating offence under Sections 499 and 500 of IPC. The material available does not contain required ingredient for registration of offence under Sections 499 and 500 of IPC.

5. Learned counsel for the petitioner has submitted that petition at the instance of an individual cannot be entertained when allegation is made by the petitioner against the Association or a political party which is a registered Association and as such, President and its office bearers, even the Secretary of said party can come forward for raising grievance and the

respondent being an individual cannot initiate a complaint. He has also contended that complaint was filed within the territorial jurisdiction of Gwalior Court whereas the petitioner is not the resident of that area and, therefore, as per requirement of Section 202 of Cr.P.C., the Court has to conduct an enquiry before registration of offence and to issue process to the accused/petitioner. He has further submitted that enquiry has not been conducted and without fulfilling the said mandatory requirement, the complaint deserves to be dismissed. In support of his contention, learned counsel has placed reliance upon various decisions of the Supreme Court i.e. **National Bank of Oman Vs. Barakara Abdul Aziz and another (2013) 2 SCC 488**, **Udai Shankar Awasthi Vs. State of Uttar Pradesh and another (2013) 2 SCC 435**, **John Thomas Vs. Dr. K. Jagadeesan (2001) 6 SCC 30**, **Abhijit Pawar Vs. Hemant Madhurkar Nimbalkar and another (2017) 3 SCC 528**, **Birla Corporation Limited Vs. Adventz Investments and Holdings Limited and Others (2019) 16 SCC 610** and in case of **G. Narasimhan, G. Kasturi and K. Gopalan Vs. T.V. Chokkappa (1972) 2 SCC 680.** He has also placed reliance upon an order passed by the Madras High Court in case of **Tmt. Dr. Tamilisai Soundararajan Vs. Dhadi K. Karthikeyan passed in CRL. O.P. No.979 of 2018** and an order passed by the Calcutta High Court in case of **Dhirendra Nath Sen and another Vs. Rajat Kanti Bhadra AIR 1970 Cal 216** and the decision of Madras High Court in case of **Maridhas Vs. S.R.S. Umari Shankar passed in Crl.OP(MD)No. 20774 of 2021**.

6. *Per contra*, Shri Amit Dubey, learned counsel appearing for the respondent submits that the submissions made by counsel for the petitioner are without any substance and he supported the order passed by the Court below saying that complaint has rightly been entertained at the behest of the respondent/complainant as he is the aggrieved person and his feelings got offended and his image suffered a dent being a member of

B.J.P. or worker of R.S.S. He further submits that allegation made by the petitioner was not only against the party or Organization but it is also against an individual related to the said Organization and, therefore, an individual can also come forward to raise his grievance. He further submits that requirement of Section 202 has also been complied with because offence got registered after making an enquiry by the Court below and after recording the statement of witnesses and considering the material produced before the Court by the complainant, the Court took cognizance of the matter and registered the offence. He has placed reliance upon the orders passed by the Supreme Court in case of **Jagdish Ram Vs. State of Rajasthan and another AIR 2004 SC 1734**, **Nupur Talwar Vs. Central Bureau of Investigation and another AIR 2012 SC 1921**, **Vijay Dhanuka and others Vs. Najima Mamtaj and others (2014) 14 SCC 638**, **Bachchu Vs. Ashok Kumar Tiwari 1990(1) M.P.W.N. 210** and the decision of High Court of Jharkhand, Ranchi passed in **Cr.M.P. No. 152 of 2020- Rahul Gandhi Vs. The State of Jharkhand and another**.

7. I have considered the rival submissions made by counsel for the parties, perused the record and the judgments relied upon by them.

8. The first contention made by counsel for the petitioner is that complaint should have been filed by the Organization against whom allegation is made or by the President and Secretary of the said Organization but an individual cannot come forward to represent those Organizations and as such the complaint made by the respondent is not tenable and it deserves to be dismissed because the present respondent/complainant cannot be considered to be an aggrieved person and in support of his contention he has placed reliance upon a decision of High Court in case of Tmt. Dr. Tamilisai Soundararajan (**supra**) and also in case of Dhirendra Nath Sen (**supra**) but I am not convinced with the submission made by counsel for the petitioner for the reason that in case of

Tmt. Dr. Tamilisai (**supra**), the allegation was made against a political party and also against its President but neither the party nor the President authorized the complainant to file a private complaint and, therefore, the Court found that the ingredient of Section 499 of IPC was not available against the petitioner therein and the complaint was finally dismissed. Also in case of Dhirendra Nath Sen (**supra**), the Calcutta High Court has observed that the impugned publication has not in any manner, directly or indirectly, defamed the Ashram or the complainant and its member or even any other member of the said Ashram and the person who filed the complaint does not come within the ambit of the expression 'some persons aggrieved'. Similarly in case of G. Narasimhan (**supra**), the Court has found that complainant was not the aggrieved person and as such does not fulfill the requirement of Section 198 of Cr.P.C. Here in this case, the statement of petitioner is not only against the Organization but also against a community not belonging to Muslims and can be Hindus and the respondent being a Hindu, related to the Organizations i.e. R.S.S. and B.J.P. ergo, his image and feelings, directly or indirectly got damaged and, therefore, he can be said to be an aggrieved person.

9. In case of Rahul Gandhi (**supra**), the statement was made against Modi community and the complainant therein namely Pradeep Modi made a complaint saying that he belongs to the said community, therefore, the statement made by Rahul Gandhi was found defamatory. So far as complainant therein is concerned, though it was not directly against him but he was considered to be an aggrieved person.

10. From perusal of the statement of the present petitioner, I am of the opinion that the complaint at the behest of the respondent/complainant was maintainable because the statement is not confined to the political party but it is also against the person other than the Muslim community belonging to the said Organization. Therefore,

this submission and contention of the petitioner do not have any substance and as such, the order passed by the Court below entertaining the complaint at the behest of the respondent does not suffer from any illegality and irregularity, therefore, that submission and challenge founded on the basis of said statement is without any substance and is hereby rejected.

11. Coming to the second aspect, which is the foundation of challenging the order of the Court below that the mandatory requirement of conducting an enquiry in respect of the petitioner who is not the resident of jurisdiction of the Court below and, therefore, without conducting any enquiry, the complaint cannot be registered, in this regard, counsel for the petitioner as well as counsel for the respondents have relied upon several judgements of the Supreme Court and also of High Court as referred above. To meet out the contention made by counsel for the parties, it is apt to reproduce Section 202 of Cr.P.C. which reads as under:-

> "**202. Postponement of issue of process**.- **(1)** Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been made over to him under section 192, may, if he thinks fit, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:
>
> Provided that no such direction for investigation shall be made,-
>
> (a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or
>
> (b) where the complaint has not been made by a Court, unless the complainant and the witnesses present (if any) have been examined on oath under section 200.
>
> **(2) In an inquiry under sub- section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath:**
>
> **Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his**

> **witnesses and examine them on oath.**
> (3) If an investigation under sub- section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Code on an officer- in- charge of a police station except the power to arrest without warrant."
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> (emphasis supplied)

Sub-section (2) of Section 202 of Cr.P.C. makes it clear that Magistrate may under sub-section (1) if thinks fit take evidence of witnesses on oath, meaning thereby, recording the statement of witnesses including the complainant is sort of enquiry and if that is done, the requirement of Section 202 is fulfilled. Here in this case, from the order impugned, it reveals that the Court below registered the offence only after recording the statement of as many as four witnesses and as such, conducted the enquiry as per requirement of Section 202 of Cr.P.C. However, counsel for the petitioner has contended that the Court has not expressly disclosed this fact that statement of witnesses are being recorded as the Court is conducting an enquiry to fulfil the requirement of Section 202 of Cr.P.C. He has further contended that merely recording the evidence of witnesses is not the requirement of Section 202 of Cr.P.C. but it was obligatory upon the concerned Court to make a mention that recording of statement of witnesses is to meet out the obligation cast by the Statute upon the court. If that is not done and the order does not speak about the same, it can be gathered that the Court did not conduct any enquiry under Section 202 of Cr.P.C. and as such, order taking cognizance under Section 500 of IPC against the petitioner is liable to be set aside.

12. Although, at this stage I am not required to give finding about the scope of enquiry as required under Section 202 of Cr.P.C. whether that is mandatory or directory but considered the observation made by the Supreme Court in case of National Bank of Oman (**supra**),

in paragraphs 9 and 10 in which the duty of Magistrate after receiving the complaint has been discussed. Paragraphs 9 and 10 are relevant which read as under:-

> "**9**. The duty of a Magistrate receiving a complaint is set out in Section 202 CrPC and there is an obligation on the Magistrate to find out if there is any matter which calls for investigation by a criminal court. The scope of enquiry under this section is restricted only to find out the truth or otherwise of the allegations made in the complaint in order to determine whether process has to be issued or not. Investigation under Section 202 CrPC is different from the investigation contemplated in Section 156 as it is only for holding the Magistrate to decide whether or not there is sufficient ground for him to proceed further. The scope of enquiry under Section 202 CrPC is, therefore, limited to the ascertainment of truth or falsehood of the allegations made in the complaint:
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> (i) on the materials placed by the complainant before the court;
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> (ii) for the limited purpose of finding out whether a prima facie case for issue of process has been made out; and
>
> (iii) for deciding the question purely from the point of view of the complainant without at all adverting to any defence that the accused may have."
>
> "**10**. Section 202 CrPC was amended by the Code of Criminal Procedure (Amendment) Act, 2005 and the following words were inserted:
>
> > "and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction,"
>
> The notes on clauses for the above mentioned amendment read as follows:
>
> > "False complaints are filed against persons residing at far off places simply to harass them. In order to see that innocent persons are not harassed by unscrupulous persons, this clause seeks to amend sub-section (1) of Section 202 to make it obligatory upon the Magistrate that before summoning the accused residing beyond his jurisdiction he shall enquire into the case himself or direct investigation to be made by a police officer or by such other person as he thinks fit, for finding out whether or not there was sufficient ground for proceeding against the accused."
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> The amendment has come into force w.e.f. 23-6-2006 vide Notification No. S.O. 923(E) dated 21-6-2006."

13. From perusal of the aforesaid observation, it is clear that the enquiry in the manner prescribed under Section 202 of Cr.P.C. could have been conducted by the Magistrate and if the witnesses are recorded, the requirement of Section 202 is fulfilled. In the aforesaid case, the Magistrate before registering the offence and issuing process to the accused did not take notice of the amended provision of Section 202 of Cr.P.C. and without conducting any enquiry as required under Section 202 of Cr.P.C. registered the offence and, therefore, the facts of the aforesaid case are not similar to the case in hand because in the present case, the Magistrate before issuing the process to the accused/petitioner conducted an enquiry as per the requirement of Section 202 of Cr.P.C. and recorded the statement of witnesses and also appreciated the material produced before it so as to ascertain the correctness of allegations made in the complaint. The Supreme Court in case of Vijay Dhanuka (**supra**) on which counsel for the respondent has placed reliance has considered the scope of enquiry under Section 202 of Cr.P.C. and also considered the fact whether it is mandatory or not and further observed the manner in which enquiry can be considered to have been conducted and made following observations:-

> "**10**. However, in a case in which the accused is residing at a place beyond the area in which the Magistrate exercises his jurisdiction whether it would be mandatory to hold inquiry or the investigation as he thinks fit for the purpose of deciding whether or not there is sufficient ground for proceeding, is the question which needs our determination. In this connection, it is apt to refer to Section 202 of the Code which provides for postponement of issue of process. The same reads as follows:
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> > ***"202. Postponement of issue of process.***—(1) Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been made over to him under Section 192, may, if he thinks fit, and shall, in a case where the accused is residing at a place beyond the area in which he exercises

> his jurisdiction, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:
>
> Provided that no such direction for investigation shall be made—
>
> (a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or
>
> (b) where the complaint has not been made by a court, unless the complainant and the witnesses present (if any) have been examined on oath under Section 200.
>
> (2) In an inquiry under sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath:
>
> Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.
>
> (3) If an investigation under sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Code on an officer in charge of a police station except the power to arrest without warrant.

11. Section 202 of the Code, inter alia, contemplates postponement of the issue of the process "in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction" and thereafter to either inquire into the case by himself or direct an investigation to be made by a police officer or by such other person as he thinks fit. In the face of it, what needs our determination is as to whether in a case where the accused is residing at a place beyond the area in which the Magistrate exercises his jurisdiction, inquiry is mandatory or not.

12. The words "and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction" were inserted by Section 19 of the Code of Criminal Procedure (Amendment) Act (Central Act 25 of 2005) w.e.f. 23-6-2006. The aforesaid amendment, in the opinion of the legislature, was essential as false complaints are filed against persons residing at far off places in order to harass them. The note for the amendment reads as follows:

> "False complaints are filed against persons residing at far off places simply to harass them. In order to see that innocent persons are not harassed by unscrupulous persons, this clause seeks to amend sub-section (1) of Section 202 to make it obligatory upon the Magistrate that before summoning the accused residing beyond his

> jurisdiction he shall enquire into the case himself or direct investigation to be made by a police officer or by such other person as he thinks fit, for finding out whether or not there was sufficient ground for proceeding against the accused."

The use of the expression "shall" prima facie makes the inquiry or the investigation, as the case may be, by the Magistrate mandatory. The word "shall" is ordinarily mandatory but sometimes, taking into account the context or the intention, it can be held to be directory. The use of the word "shall" in all circumstances is not decisive. Bearing in mind the aforesaid principle, when we look to the intention of the legislature, we find that it is aimed to prevent innocent persons from harassment by unscrupulous persons from false complaints. Hence, in our opinion, the use of the expression "shall" and the background and the purpose for which the amendment has been brought, we have no doubt in our mind that inquiry or the investigation, as the case may be, is mandatory before summons are issued against the accused living beyond the territorial jurisdiction of the Magistrate.

13. In view of the decision of this Court in Udai Shankar Awasthi v. State of U.P. [(2013) 2 SCC 435 : (2013) 1 SCC (Civ) 1121 : (2013) 2 SCC (Cri) 708] , this point need not detain us any further as in the said case, this Court has clearly held that the provision aforesaid is mandatory. It is apt to reproduce the following passage from the said judgment: (SCC p. 449, para 40)

> "40. The Magistrate had issued summons without meeting the mandatory requirement of Section 202 CrPC, though the appellants were outside his territorial jurisdiction. The provisions of Section 202 CrPC were amended vide the Amendment Act, 2005, making it [Ed.: The matter between the two asterisks has been emphasised in original as well.] mandatory to postpone the issue of process [Ed.: The matter between the two asterisks has been emphasised in original as well.] where the accused resides in an area beyond the territorial jurisdiction of the Magistrate concerned. The same was found necessary in order to protect innocent persons from being harassed by unscrupulous persons and making it obligatory upon the Magistrate to enquire into the case himself, or to direct investigation to be made by a police officer, or by such other person as he thinks fit for the purpose of finding out whether or not, there was sufficient ground for proceeding against the accused before issuing summons in such cases."
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> (emphasis supplied)

14. In view of our answer to the aforesaid question, the next question which falls for our determination is whether the learned

> Magistrate before issuing summons has held the inquiry as mandated under Section 202 of the Code. The word "inquiry" has been defined under Section 2(g) of the Code, the same reads as follows:
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> > "2. (g) 'inquiry' means every inquiry, other than a trial, conducted under this Code by a Magistrate or court;"
>
> It is evident from the aforesaid provision, every inquiry other than a trial conducted by the Magistrate or the court is an inquiry. No specific mode or manner of inquiry is provided under Section 202 of the Code. In the inquiry envisaged under Section 202 of the Code, the witnesses are examined whereas under Section 200 of the Code, examination of the complainant only is necessary with the option of examining the witnesses present, if any. This exercise by the Magistrate, for the purpose of deciding whether or not there is sufficient ground for proceeding against the accused, is nothing but an inquiry envisaged under Section 202 of the Code.
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> **15**. In the present case, as we have stated earlier, the Magistrate has examined the complainant on solemn affirmation and the two witnesses and only thereafter he had directed for issuance of process."

(emphasis supplied)

The observations made by the Supreme Court in the aforesaid case are the complete answer of the submissions made by learned counsel for the parties. It is also the answer of the issue involved in this petition. In my opinion, recording the statement of complainant is also sort of an enquiry envisaged under Section 202 of Cr.P.C. Here in this case, not only the complainant but other witnesses have also been recorded and thereafter the Court registered the offence and issued summons to the petitioner. Therefore, in my opinion, there is nothing wrong and illegality committed by the Court below. In view of the law laid down by the High Court in case of Bacchu **(supra)**, at the time of registering the offence, the Court was not required to scrutinize the defence of the accused but only on the basis of material produced by the complainant and to find out whether the allegations made in the complaint are true and sufficient to issue process to the accused or not, is required to conduct the enquiry under Section 202 of Cr.P.C.. The said exercise in

the present case has been done by the Court and nothing more is required by the Court below before registration of offence.

14. In the case of **Subramanian Swamy Vs. Union of India (2016) 7 SCC 221** wherein the constitutional validity of Section 499 of IPC was questioned and answering the same, the Supreme Court has observed that the duty cast upon the Magistrate at the time of registering the offence taking note of the language employed in Section 202 of Cr.P.C. which stipulates about the resident of the accused at a place beyond the area in which the Magistrate exercises his jurisdiction. As per the Supreme Court, the burden lies upon the Magistrate is very high so as to determine whether the ingredients of Section 499 of IPC are satisfied or not. The Court has to assign reasons by applying its mind.

15. From perusal of the order passed by the Court below which is impugned in this petition, it clearly reveals that the Court has not only assigned reasons but also applied its mind and, therefore, fulfills the requirement of Section 499 of IPC and as such, the orders impugned otherwise do not require any interference. Thus, I am of the opinion that the submissions made by counsel for the petitioner do not have any legal bearing so as to set aside the order passed by the Court below registering the complaint made by the complainant.

16. In view of the aforesaid discussions, the petition filed by the petitioner is without any substance and is hereby **dismissed**.

(SANJAY DWIVEDI)
JUDGE

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