

**HIGH COURT OF DELHI****Date of decision: 01.03.2024****CORAM: HON'BLE MR. JUSTICE NAVIN CHAWLA**

CRL.M.C. 3370/2022

**DR KIRAN PAL SINGH ...Petitioner****VERSUS****PURNIMA SINGH ...Respondent****Legislation:**

Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.)

Sections 499 and 500 of the Indian Penal Code, 1860 (IPC)

**Subject:** Petition challenging the order dismissing a criminal revision petition, which was originally against the order of the trial court dismissing a complaint for want of territorial jurisdiction in a defamation case involving social media publication.

**Headnotes:**

Challenge Against Dismissal of Revision Petition - Petitioner challenges the order of the Principal District and Sessions Judge dismissing the criminal revision petition against the trial court's order - Revision petition was against the trial court's dismissal of a complaint for defamation for lack of territorial jurisdiction [Para 1].

Complaint for Defamation Under IPC - Petitioner filed a complaint under Section 200 of Cr.P.C. alleging defamation under Sections 499 and 500 of IPC - Complainant claimed the respondent published defamatory posts on Facebook within the territorial jurisdiction of the trial court [Paras 2-3].

Territorial Jurisdiction Issue - Trial court dismissed the complaint for lack of territorial jurisdiction - No specific mention of the place of publication of alleged defamatory content or where its consequences were felt - Addresses of the respondent mentioned in Uttar Pradesh and Haryana, outside the court's jurisdiction [Paras 5-6].

High Court's Observation and Decision - High Court found no merit in the petitioner's contentions - Observed the complaint lacked specifics on the publication location and its impact - Upheld the dismissal of the complaint and the subsequent revision petition [Paras 8-10].

Dismissal and Future Course of Action - Petition dismissed, with the court noting that the dismissal is not on merit - Complainant allowed to file a new complaint before the appropriate court, in accordance with law [Para 12].

**Referred Cases: None.**

**Representing Advocates:**

**Petitioner: Mr. Ajit Singh, Advocate**

**Respondent: Mr. Arun Srivastava, Advocate**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') challenging the Order dated 02.11.2021 passed by the learned Principal District and Sessions Judge, South-West District, Dwarka Courts, New Delhi in Criminal Revision Petition, being CR No. 224/2020, titled ***Dr.Kiran Pal Singh v. Smt. Purnima Singh***, dismissing the Revision Petition filed by the petitioner herein against the Order dated 20.08.2020 passed by the learned Metropolitan Magistrate-07, South-West District, Dwarka Courts, New Delhi (hereinafter referred to as the 'Trial Court') in Complaint Case No. 40222/19, titled as above.
2. By the order dated 20.08.2020, the learned Trial Court was pleased to dismiss the complaint filed by the petitioner herein under Section 200 of the Cr.P.C. for want of territorial jurisdiction of that Court.
3. The above complaint was filed by the petitioner praying for the learned Trial Court to take cognizance of the offence under Sections 499 and 500 of the Indian Penal Code, 1860 (in short, 'IPC') against the respondent herein.
4. Only for the purposes of jurisdiction, the relevant paragraphs/averments in the complaint are reproduced hereinunder:-

*"21. That the accused has deliberately and dishonestly published the defamatory posts on her Facebook profile which are false and slanderous in nature and by imputing the complainant with such remarks on social platform, the accused has committed the offence of defamation as envisaged under section 499 of IPC and therefore, the accused is liable to be punished in accordance with the provision of 500 IPC.*

*22. That there is a prima facie case against the accused under section 499 and 500 of IPC. There is enough material on record before this Hon'ble court to summon, try and punish the accused for the offences committed.*

23. *That this Hon'ble court has jurisdiction to entertain the present complaint as the offence has been committed within the local jurisdiction of this Hon'ble Court."*

5. Clearly, the complaint, without specifying the place of offence, stated that it had been committed within the local jurisdiction of the Court. The learned Trial Court, vide the Impugned Order dated 20.08.2020, observed that the complainant is a resident of Vasant Kunj, New Delhi, which is beyond the jurisdiction of the said Court, while the two addresses mentioned of the respondent in the complaint, are situated at Uttar Pradesh and Haryana. The learned Trial Court further observed that in the entire complaint, the complainant has not mentioned as to where the publication and the consequent defamation have taken place. As noted hereinabove, the learned Trial Court, therefore, dismissed the complaint observing that the said Court did not have the territorial jurisdiction to adjudicate on the said complaint.
6. The petitioner, being aggrieved by the said order, filed a Revision Petition under Section 397 of the Cr.P.C., which has been dismissed by the Impugned Order observing as under:-

*"As noticed earlier, in the case at hand, there is no averment or pleading in the complaint, as regards the invocation of territorial jurisdiction. If the court presumes that the respondent published or posted the facebook post from her home address, in that case the jurisdiction did not lie with the trial court, as the address of the respondent has been mentioned in the memo of parties before this court to be Lucknow or Gurgaon. Trial Court has also observed the same in the impugned Order, when it mentioned that two of her addresses are mentioned as one of Uttar Pradesh and the other of Haryana. As regards the jurisdiction on the basis of publication, again there being no averment, Trial Court has observed that the witness is residing in Ghaziabad, UP and therefore, publication qua him would not have taken place within the jurisdiction of PS-Chhawala New Delhi."*

7. The learned counsel for the petitioner submits that the respondent published the alleged defamatory post on her facebook profile within the jurisdiction of the Courts at Dwarka. He submits that, therefore, the Courts at Dwarka would have the territorial jurisdiction to entertain the complaint and proceed against the respondent.
8. I am unable to find any merit in the contentions raised by the learned counsel for the petitioner.
9. The contents of the complaint have been reproduced hereinabove. They do not mention where the publication has taken place. The learned Trial Court as also the learned Revision Court have rightly relied upon the Memo of

Parties to observe that neither the complaint nor the respondent resides within the territorial jurisdiction of the said Courts. They have further observed that there is no mention of where the alleged publication took place nor is there a mention on where its consequences were felt.

10. In my view, therefore, no fault can be found in the Orders impugned in the present petition.
11. The petition is, accordingly, dismissed.
12. Needless to state, the dismissal of the present petition is not on merit, and it shall be open to the complainant to file a complaint before the Court of appropriate jurisdiction, if so advised and in accordance with law.

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