



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Reserved on: 09th December, 2025*
Pronounced on: 09th February, 2026

+ **CRL.A. 1688/2025**

GANGADHARAN.CPetitioner

Through: Petitioner in person

versus

1. **STATE (NCT OF DELHI)**

2. **SH. PANKAJ MEHROTRA**

S/o Late Sh. KK Mehrotra

R/o B-304 Navin CGHS, Sector-5,

Plot No 13, Dwarka, New Delhi-110075

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
Ms. Sunanda Nimisha, Advocate

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Appeal under Section 378 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed against the judgment dated 05.07.2018 whereby the learned MM dismissed the Complaint under Section 500 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) filed by the **Petitioner/Gangadharan C.** against Accused persons, i.e. Accused No. 1/*Sh. Pankaj Mehrotra*, the President, Accused No. 2/*Sh. S. Chandrasekhar*, the Secretary, and Accused No. 3/*Sh. HS Bhandari* and 4/*Smt. Anjana Bhandari* are the members of the Society, Accused No. 5/*Sh. Swaminathan* is the Advisor to the President of the Management Committee,



Accused Nos. 6 to 10 (*Sh. M Arshad Khan, Smt. Shanti Bhardwaj, Sh. CM Bhardwaj, Smt. Surender Kaur, Inderjeet Singh, respectively*) who were the members of the Management Committee.

2. The Complainant/Petitioner had filed a ***Complaint under Section 500 IPC*** wherein he narrated that he is a member of a Society, i.e. *Naveen Cooperative Group Housing Society Limited*, in which he resides with his wife and family. He had been allotted a car parking in the Society in a lottery on 03.05.2009, in regard to which there was a dispute, about which he had made the Complaint to the President of the Society wherein he stated that Accused No. 3 and 4 had occupied his car parking. They had erased the allotted parking number and had started using it by affixing their own house number.

3. The Accused No. 4 had written a Letter dated 06.05.2009 to Sh. Pankaj Mehrotra, Accused No. 1, President of the Society. He also made a Complaint against the Accused person in P.S. Dwarka on 06.06.2009. However, no action was taken. Thereafter, the Accused person started threatening the Complainant to kill him and also started calling him as a “*mental case*”. Because of these kinds of threats, the Complainant was unable to come to his house for a few days. His wife also made a Complaint dated 13.06.2009 to PS Dwarka.

4. The Complainant also filed a Complaint against the Respondents/Accused persons, in the Office of Deputy Registrar (Arbitration ground). A Reply was filed by the Society through the Managing Committee wherein it was stated that the Complainant is a case of *mental disorder* and it was requested that *he be referred to a mental hospital* or to his Department in order to avoid day-to-day quarrelling and to prevent



the trouble being created in the society compound and to the residents at large in the Society.

5. The Complainant asserted that he is not a person suffering from mental disorder and has filed his medical prescription dated 26.11.2010 in support thereof.

6. The Accused persons also called the Complainant a *cheater, fraud, thug, and a case of mental disorder*, without any provocation. They had failed to restrict themselves from such expressions against the Complainant. Their intentions are quite clear to damage the reputation and to lower his social and personal image in the eyes of society and public.

7. It was further asserted that such words were used on 03.05.2009 in the presence of the public persons in the public place and to the Policeman. He was similarly abused on 14.03.2010 and on 23.06.2010 openly in the presence of many persons. *The Complainant thus, filed the Complaint under Section 500 IPC against the accused persons, the Respondent.*

8. The **Complainant** examined himself as **CW1** wherein he reiterated the contents of his Complaint.

9. The Accused persons were summoned on 21.10.2013 for the offence under Section 500 IPC. Thereafter, post-summoning evidence was led wherein the Complainant adopted his pre-summoning evidence. The witness was extensively cross-examined by the accused persons.

10. The learned MM considered the testimony of the Complainant and referred to his cross-examination wherein he admitted that he had made about 40 Complaints. He also admitted using the words such as, "*mard ke bacche aur asli maa baap ke hain*" in his Complaint. He also admitted having written Letters dated 17.07.2013 and 10.07.2013 to the Accused



persons and about pasting those letters on the notice board. The Complainant himself admitted using the word B**** in the Letter. The Complainant further admitted that when the Accused persons called him names on 03.05.2009, no other public person was present.

11. The learned MM thus, concluded that there was no publication of the imputation, which was a necessary requisite for making out an offence of defamation and consequently, **acquitted the accused persons vide judgment dated 05.07.2018.**

12. *Aggrieved by the said judgment, the Appellant has preferred the present Appeal on the grounds* that the learned Trial Court had erred in not appreciating the facts in correct perspective. It had not been considered that the car parking space of the Complainant had been criminally trespassed by the Accused persons despite it being duly allotted, earmarked and demarcated by the Society Management in his favour.

13. The allegation that he was being threatened to be killed and of dire consequences about which the Complainant had specifically stated in his Complaint, have been overlooked. The Accused persons have been exonerated, despite having violated the DCS Act and DCS Rules.

14. The learned Trial Court has justified the forgery and cheating committed by the Respondents, in order to nullify 24 vigilance inquiries and 24 letters from Registrar from CMO and GNCTD against several offences.

15. The *Status Report* was concocted and fabricated on the directions of the Accused persons. It has also not been considered that the Accused No. 1 had become illegal and illegitimate because of forging the documents and entering into a conspiracy. The Complainant had been called “mental” without there being any medical ground. Many forged and cheating Letters



had been sent to various authorities against the Complainant, while hiding their own offences of cheating, forgery, bribery and misuse of society funds, being concealed.

16. The Complainant has been writing to ARB Court, who nullified 40 Complaints to Police, 40 Complaints to RCS, 24 vigilance inquiries, two crime branch inquiries, two anti-corruption inquiries and several Applications to various highest Officers of the Government of India and Delhi.

17. The Respondents No. 1 and 2, had forged a Letter dated 12.04.2008 against entry fee refund, forged report to Crime Branch by calling the Complainant a man of unsound mind, and had forged various other complaints and reports.

18. The Petitioner/Complainant filed his Medical Fitness Certificate before the Court to disprove the baseless defamation, but those documents have not been considered. The defamatory replies of the Respondents, Ex. CW-1/1 and CW-2/3, were duly proved but has not been considered.

19. In the impugned judgment, reference has been made to two time barred Letters, Ex. CW1/D1 and CW1/D2 dated 26.02.2010 and 10.07.2010, for which a separate Complaint No. 2790/1/14 has already been filed by Accused No. 1, 3 and 4, wherein the wife of the Complainant has also been made an Accused. It has not been considered that learned MM through the Petition in a deep gorge, jeopardised further harassment, torture, and tragedy as the Accused compelled the Petitioner to file Court cases by giving bribes to the Police Vigilance, PGCs, RCS, Crime Branch, CIC and Anti-Corruption Department.



20. The Complainant had filed an Application dated 23.04.2009 to the President and Secretary of the Society, against the criminal trespass of his demarcated car parking by erasing his house number and re-allocating it to Accused Nos. 3 and 4, thereby committing the offence of criminal trespass.

21. The Complainant further asserted that he had never closed his pre-summoning evidence, but the Counsel for the Complainant and the Accused and the Court, in conspiracy with each-other, converted the pre-summoning evidence as the Complainant's evidence. The statements of 04 Accused were recorded and 03 accused denied the allegations and stated that a settlement and compromise was arrived at with the Complainant in the presence of Police for parking space, but the date of 10.03.2010 has not been given deliberately.

22. The Accused, *Anjana Bhandari, Chandrasekhar and Pankaj Mehrotra*, too similarly had denied the allegations levelled by the Complainant, as not correct. Instead, the Accused No. 2, 3 and 4 recorded that they had not signed the reply dated 22.05.2010, and recorded that they had not defamed the Complainant.

23. In regard to not summoning the officials from PS Dwarka to prove the Complaints, it is explained that it was not required as the Complaints had already been filed in the Court and was marked "C". The certified copy of Ex. CW1/1 was from RCS and has also been filed along with the Reply.

24. It is claimed that the impugned Order has been based on the forged complainant's evidence, which could not have been considered. The Letters of the Complainant to the Accused persons, had been written in good faith and for public good. The Complainant has been termed as *a master of fraud*.



25. The forged Complainant's evidence has been imposed on the Complainant, because of the fraudulent act of the Counsel for the Accused who had bribed the Counsel for the Complainant, who did not bring the true facts on record.

26. It is asserted that the learned MM has wrongly concluded that there was no evidence to prove the offence of defamation and the Complaint has been wrongly dismissed.

Submissions heard and record perused.

27. The averments made in the Complaint and the testimony of the Complainant discloses that the genesis of the acrimony between the Complainant and the Respondent/other accused persons was in regard to allotment of a car parking along with the flat.

28. The Complainant alleged that there was an earmarked car parking space in the Society, for him. However, he admitted in his statement that he had purchased the flat from the allottee and that there was no mention of the number of the parking in the documents of allotment. He did not have any Parking Allotment Letter there. He further explained that there was no provision for issuance of Allotment Letter of parking in the Society to any member.

29. Accused Bhandari had a car and he had two parkings allotted in his name, while he was allotted one parking. The Complainant stated that there was a fight between him and Bhandari, but again stated that there was no fight. The Police had not come at that time but he had complained to the Police. He admitted that there was a Settlement between them before the Police, but that the same was after one year. His first Complaint to the Police was on 04.06.2009 where he mentioned that the Accused had been



repeatedly threatening him. He admitted he did not mention that the Accused had been calling him names. He admitted having made 40 Complaints.

30. He further admitted that in a Letter dated 26.09.2010 wherein he had used the words such as “*mard ke bacche aur asli maa baap ke hain*” and that he had written the Letters dated 17.07.2013 and 10.07.2013 to the Accused persons and also admitted that he had pasted those letters on the notice board.

31. He further admitted using the abusive words *B***** in the certain letter. He further admitted that while the alleged names were called to him by the Accused persons, there were no persons found present around on 03.05.2009.

32. From his testimony, it clearly emerges that essentially the Complainant has disputes with the Respondent and the members of the Society in which he lives, in regard to the car parking. There has been admittedly almost 40 Complaints had been written by to various agencies and has even gone to pasting some of his letters on the notice board wherein derogatory words had been written.

33. *He, himself has admitted that there were no persons present at the time the accused persons had called him names.*

34. It is pertinent to understand that to constitute an offence under of defamation under Section 500 IPC, the most important and essential ingredient is the lowering of the estimation and self-respect in the public eye.

35. Section 499 IPC reads as under:

“499. Defamation.—



Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Explanation 1.— ...

Explanation 2.— ...

Explanation 3.— An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.— No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.”

36. The intrinsic facet of “Defamation” is harm to “reputation” or lowering the estimation of a person in public domain. This makes it pertinent to understand what constitutes “reputation”. *It is reputation alone that is vulnerable; character needs no adventitious support.* In essence, any statement which has a tendency to injure the reputation of the person or lower him in the estimation of members of the society, results in loss of reputation and is defamatory.

37. In *Subramanian Swamy vs. Union of India*, 2016 SCC OnLine SC 550 the Apex Court has observed that *the law relating to defamation protects the reputation of each individual in the perception of the public at large. It matters to an individual in the eyes of the society. Protection of individual right is imperative for social stability in a body polity and that is why the State makes laws relating to crimes.*



38. The Calcutta High Court in Dipankar Bagchi vs. State of West Bengal, 2009 SCC OnLine Cal 1877, has succinctly observed that for an offence of defamation, evidence to show that the reputation has been lowered in the estimation of others is essential.

39. On similar lines, another bench of Calcutta High Court in Aveek Sarkar vs. State of West Bengal, 2025 SCC OnLine Cal 6942 has observed as under:

20. Moreover it is settled law that no one can be defamed in his own eyes. In the present case admittedly no witness was examined before issuance of process, in whose eyes the complainant was defamed. It may be that a large number of people is the reader of the said newspaper but that does not mean that in the eyes of all those readers, the complainant/organization has been defamed, unless any such reader comes before the court and disclose that in their eyes, the reporting has defamed the complainant/organization.

40. In essence, any statement which has a tendency to *injure the reputation of the person or lower him in the estimation of members of the society, results in loss of reputation and is defamatory.*

41. In the light of the aforesaid proposition of law, it is evident that the essential pre-requisite to establish that *the alleged imputation had in fact, lowered his reputation in the estimation of others*, was not satisfied. After all, reputation is not what you think about yourself; it is what others think about you. Therefore, **publication** of such derogatory words is of primary significance.

42. **In the present case**, admittedly, the Complainant himself has admitted that when such derogatory words were said and when he was called with names, *there were no public persons present*. The mandatory requirement of establishing loss or harm to reputation in public estimation,



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has not been fulfilled. *There is not an iota of evidence to show that there was any lowering of reputation in the public estimation.*

43. The learned MM has rightly concluded that no case of defamation was made out from the Complaint and the evidence of the Complainant and thereby, has rightly dismissed the Complaint.

Conclusion:

44. There is no merit in the present Appeal, which is hereby **dismissed**.

45. Pending Applications are also disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

FEBRUARY 09, 2026

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