



2026:AHC-LKO:6524

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/s 482 No. - 3237 of 2020

Jyoti Kamal and others

.....Applicant(s)

Versus

State of U.P. Thru. Prin. Secy. Home. and another

.....Opposite Party(s)

Counsel for Applicant(s) : Nadeem Murtaza, Anjani Kumar Mishra

Counsel for Opposite Party(s) : G.A., Ishan Baghel, Mohd. Khalid

**Reserved on 19.01.2026
Pronounced on 29.01.2026
Uploaded on 29.01.2026**

Court No. - 16

HON'BLE BRIJ RAJ SINGH, J.

Heard Shri Nadeem Murtaza, learned counsel for the applicants, Sri Rao Narendra Singh, learned AGA-I for the State and Shri Ishan Baghel, learned counsel for opposite party no.2.

The present application under Section 482 of Code of Criminal Procedure, 1973 has been filed seeking quashing of impugned summoning order dated 12.12.2018 passed by Additional Chief Judicial Magistrate, Court No. 32, Lucknow (in short "Magistrate") in Complaint Case No. 1297 along with entire criminal proceedings arising out thereof.

It is the case of the applicants that the Applicant Nos. 1 to 3 were working as Executive Editor, Crime Reporter and Assistant News Editor, respectively, in the News18 Channel. It has been submitted that the Applicant No. 1 was not involved in airing the news in the Channel on 20.09.2017. Also, both the channels i.e. News18

Punjab/Haryana/Himachal Pradesh and News18 Uttar Pradesh/Uttarakhand are owned and operated by TV18 Broadcast Limited.

It has been stated that the allegations in the complaint dated 28.05.2018 are that the Opposite Party No.2/Complainant is an IPS officer of the UP Police and was then working as IG, STF, Uttar Pradesh and posted in Lucknow and, on 20.09.2017 at about 07:45 pm, a news was telecast on News 18 Punjab/Haryana/Himachal Pradesh projecting that the Opposite Party No.2 was involved in earning illicit money from criminals, which has lead to loss of reputation of Opposite Party No.2. It has been further alleged that the Applicants have telecast the aforesaid news intentionally and deliberately.

It has been further stated that the news was reported in various national newspapers that the mastermind of Nabha Jail Break, Gurpreet Singh alias Gopi Ghanshyampuria was arrested by the UP Police and was later set free by a senior police officer of UP Police in lieu of money. This incident was also covered by renowned newspapers like The Tribune and Dainik Jagran on 18.09.2017.

It has been further stated that as the matter was reported in various newspapers in the country and several news channels, where-after, the Principal Secretary, Home Department, Uttar Pradesh Government, Lucknow ordered that an inquiry be conducted by Additional Director General of Police (Law and Order), Uttar Pradesh to ascertain the veracity of the incidents reported by the media. The inquiry was concluded on 28.09.2017 and the Opposite Party No.2 was exonerated from all the charges.

It has been further stated that the allegations of the Opposite Party No.2 in his complaint, dated 28.05.2018, are totally false as the news telecast by the Channel on 20.09.2017 at 07:45 pm did not contain any news that could defame the Opposite Party No.2.

It has been further stated that the Channel has done fair, unbiased and bona fide reporting of the whole incident. Even in their telecast on 20.09.2017 at 07:45 pm, the Channel did not attribute any role to the

Opposite Party No.2 in setting Gurpreet Singh alias Gopi Ghanshyampuria free.

It has been further stated that after recording the statement under Section 200 CrPC of the Complainant and the statements under Section 202 CrPC of two witnesses namely Anil Kumar Singh and Ramendra Singh Rathore and after going through the entire record, the summons have been issued by the trial Court without application of mind.

Shri Nadeem Murtaza, learned counsel for the applicants has stated that the discussion between the two persons has been telecast by the news channel as it is, therefore, no offense is made out against the Applicants because the Applicants have not stated on their behalf.

It has been further submitted that the telecast material is different from the telecast of the other news channels, therefore, the Applicants may not be held to be tried.

To buttress his submissions, he has placed reliance on the judgments passed by Hon'ble Apex Court in the case of **Neelu Chopra And Another vs. Bharti**, reported in **(2009) 10 SCC 184**; **Jawaharlal Darda And others v. Manoharrao Ganpatrao Kapsikar And Another**, reported in **(1998) 4 SCC 112** and **Aroon Purie v. State (NCT of Delhi) and Others**, reported in **2022 SCC OnLine SC 1491**, the judgments of **Delhi High Court in Vineet Jain vs. NCT of Delhi & Ors.** reported in **2011 SCC OnLine Del 4312** and **Indian Potash Ltd. vs. Media Contents and Communication Services (India) Pvt. Ltd. And Another**, reported in **2019 SCC OnLine Del 11991**, the judgment of High Court of Madras in **R.Ramasubramanian vs. City Public Prosecutor**, reported in **2020 SCC OnLine Mad 27227**, the judgment of High Court of Bombay in **Vijay and Another vs. Ravindra Ghisulal Gupta**, reported in **2022 SCC OnLine Bom 1315** and the judgment of this Court in **Sanjay Dixit vs State of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And another : APPLICATION U/s 482 No. 6926 of 2023**.

On the other hand, Shri Ishan Baghel, learned counsel for opposite party no.2 has submitted that the Opposite Party No.2 is an officer of Indian Police Services and currently serving as an Additional Director

General (ADG) of Special Task Force (STF) and Law & Order in the State of Uttar Pradesh and during the 25 years of service, he has been awarded several awards including three Gallantry Medals, Police medal for meritorious services etc.,

It has been further submitted that the News18 Punjab is a news channel and its news are telecast on various satellite TVs in India. They telecast their news in Hindi as well in English Language. It also telecasts in Uttar Pradesh where the Opposite Party No.2 permanently resides. The Applicant No. 1 namely Jyoti Kamal was the then Editor News 18 Punjab; Applicant No. 2 namely Shantosh Sharma was the then Reporter of News 18 Punjab; Applicant No. 3 namely Gaurav Shukla was the then Anchor of News 18 Punjab. They are all responsible and manage the telecasting of particular news on their channel and the complaint has been filed for the subject matter which they have telecast.

It has been further submitted that on dated 20.09.17, on the news at 07:45 PM a news was telecast relating to the complainant, projecting him that the complainant was involved in earning illicit money from criminals. In the said news the following words were spoken and by Applicant No. 3 - “STF के IG अमिताभ यश पैसा लेकर पंजाब के दहशतगर्दों को छोड़ देता है।”

It has been further submitted that a high-level inquiry committee was constituted on 28.09.2017 and the report was submitted by the committee and the complainant has been exonerated from all the charges after detailed inquiry.

It has been further submitted that after publication of the said news from the applicants' channel, there is no denial of the publication of news by the Applicants. Aspersions made by the news channel is an opinion and amounts to imputation. The benefit of exceptions of Section 499 of IPC cannot be liked by this Court at the stage of Section 482 CrPC.

It has been further submitted that the same subject matter and news was telecast by different channels i.e. Bharat Samachar, e-24, etc.. The accused in the telecast news by e-24 were summoned and they filed **Application U/s 482 No. 1109 of 2020** and the application was allowed on

11.09.2023 and against the said judgment dated 11.09.2023, the Opposite Party No.2 filed **Special Leave to Appeal (Crl.) No. 14790 of 2023 (Amitabh Yash Vs. Manoj Rajan Tripathi & Ors.)** before the Hon'ble Supreme Court, which was allowed on 05.03.2024. The order dated 05.03.2024 is quoted below: -

“1. Leave granted

2. Despite notice served, none appears for respondent Nos.1 to 5.

3. Learned counsel appearing for the appellant submitted that the High Court while passing the impugned order was not informed of the earlier order passed by the Coordinate Bench in Case Application No.2315/2019 dated 04.07.2022 by which a similar petition preferred by another news channel agency was dismissed. The learned counsel further submitted that the High Court has committed an error on fact in holding that the Inquiry Report was not placed before the Learned Magistrate. For the aforesaid purpose, the learned counsel has drawn our attention to the order passed by the Learned Magistrate. Thirdly, it is submitted that, in a case of this nature, the discretionary relief by invoking Section 482 of the Code of Criminal Procedure, 1973 ought not to have been invoked.

4. We have perused the earlier order passed by the Coordinate Bench of the High Court. The said case also emanates from the publication made by a different news channel, as in the present case. Secondly, the Inquiry Report was taken note of by the Learned Magistrate and, therefore, there was a factual error committed by the High Court in the impugned order.

5. In view of the aforesaid facts, we have no hesitation in setting aside the impugned order. Accordingly, the appeal stands allowed and the impugned order is set aside.

6. Pending application(s), if any, shall stand disposed of.”

It has been further submitted that the same news was telecast in Bharat Samachar and the accused-reporter Abhishek Mishra was summoned in Case No. 1305 of 2018 by the Magistrate. He challenged the summoning order dated 12.12.2018 passed therein by way of **Application U/s 482 No. 2315 of 2019** and the application was dismissed by this Court on 04.07.2022 and the Hon'ble Supreme Court has also taken note of the fact in the order dated 05.03.2024, quoted above.

It has been further submitted that the co-ordinate Bench has taken similar view by dismissing the application of the other news channels by

whom the same news was telecast. This Court cannot weigh the evidences and do mini-trial and the application filed by the applicants is liable to be rejected.

He has placed reliance on the judgment of Hon'ble Supreme Court passed in **Subramanian Swamy Vs. Union of India**, reported in **(2016) 7 SCC 221**; **CBI Vs Aryan Singh**, reported in **2023 SCC OnLine SC 379**; **Sant Lal Gupta Vs. Modern Coop. Group Housing Society Ltd.**, reported in **(2010) 13 SCC 336**; **Neiharika Infrastructure (P) Ltd. v. State of Maharashtra**, reported in **2021 SCC OnLine SC 315**, **Sampelly Satyanarayana Rao v. Indian Renewable Energy Development Agency Ltd.**, reported in **(2016) 10 SCC 458** and **Gimpex (P) Ltd. v. Manoj Goel**, reported in **(2022) 11 SCC 705**.

Heard Shri Nadeem Murtaza, learned counsel for the applicants, Sri Rao Narendra Singh, learned AGA-I for the State and Shri Ishan Baghel, learned counsel for opposite party no.2.

After going through the record, I find that the issue of the publication of the present case has invited the attention of Hon'ble Supreme Court in **Special Leave to Appeal (Crl.) No. 14790 of 2023**. The Hon'ble Supreme Court in the order dated 05.03.2024, quoted above, has passed the dictum that the case of opposite party no.1 also emanates from the publication made by a different news channel, as in the that case. Hon'ble Supreme Court has observed that Inquiry Report by which Complainant/Opposite Party No.2 was exonerated was taken note of by the Magistrate and, the Magistrate had considered the relevant document and passed the summoning order based on records. Hon'ble Supreme Court did not find any error in the summoning order.

It is relevant to be mentioned here that the same news was telecast in the news channel News 18 Punjab and it is serious allegation of Opposite Party No.2 that his image is lowered down in the eyes of the other. His statement under Section 200 CrPC and the statements of witnesses under Section 202 CrPC have been considered by the Magistrate and thereafter, the summons have been issued.

After going through the aforesaid factual aspect, this Court cannot weigh the evidences. Certainly, the trial is required. This Court, under Section 482 CrPC, cannot record the finding whether the applicants are innocent or not. In the case of **Aryan Singh (Supra)**, Hon'ble Supreme Court has categorically held that the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused.

The Court is not required to conduct the mini-trial, at this stage of discharge/quashing of the criminal proceedings. Similarly, in the case of **Sampelly Satyanarayana Rao (Supra)**, Hon'ble Apex Court has observed that while dealing with a quashing petition, the court has ordinarily to proceed on the basis of averments in the complaint. The defence of the accused cannot be considered at that stage. The court, considering the prayer for quashing does not adjudicate upon a disputed question of fact. Similarly, in the case of **Neeharika Infrastructure (P) Ltd. (Supra)**, law is propounded by Hon'ble Supreme Court that while examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

After aforesaid factual and legal discussion and in view of observations made by Hon'ble Apex Court in **Special Leave to Appeal (Crl.) No. 14790 of 2023**, this Court is of the opinion that the case requires trial and this Court, in exercise of powers under Section 482 CrPC, cannot interfere in the case.

The application is accordingly rejected.

No order as to costs.

(Brij Raj Singh,J.)

January 29, 2026
Mohit Singh/-

E-Court