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

% ***Date of Decision: 17.11.2026***

\# **CNR No. DLHC010228362019**

\+ **CRL.M.C. 2617/2019, Crl.M.A.10470/2019**

PINAKI MISRA .....Petitioner

Through: Ms. Rebecca M. John, Sr. Adv. and Ms. Anushka Baruah, Adv.

versus

STATE & ANR .....Respondents

Through: Mr. Aashneet Singh, APP for State.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

The matter is taken up today as 16.11.2026 was declared a holiday on account of Chatth Puja.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C.") seeking setting aside of the summoning order dated 20.04.2019 passed by the learned Additional Chief Metropolitan Magistrate-I, Rouse Avenue Courts Complex, New Delhi ("ACMM") in Complaint Case No. 11/2019 titled as '*Siddhartha Singh v. Pinaki Mishra*'. By that order, the petitioner was summoned for the offence under Section 500 of the Indian Penal Code, 1860 ("IPC"). The petition also seeks quashing of the complaint itself and all proceedings emanating therefrom.

2. The petition was filed in 2019, prior to the coming into force of the

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Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"); it is, therefore, governed by the provisions of the Cr.P.C. and the IPC.

3. The relevant factual background, in brief, is as follows:

(i) The petitioner is a Senior Advocate and, at the relevant time, was a Member of Parliament (Lok Sabha) and Chairperson of the Parliamentary Standing Committee on Urban Development.

(ii) The respondent no.2, a practising advocate, was the counsel for the applicant in O.A. No. 122/2017 titled *Balbir Singh v. Govt. of NCT of Delhi & Anr.* before the Principal Bench of the National Green Tribunal ("NGT"), in which the petitioner appeared for certain power distribution companies. Respondent no.2 objected to the appearance of the petitioner in the said proceedings, contending that the Standing Committee chaired by the petitioner had made adverse recommendations against the power distribution companies on the very issue of e-waste management. The respondent no.2 also preferred a complaint (Complaint No. 111/2018) before the Bar Council of Delhi, alleging professional misconduct on account of conflict of interest.

(iii) On 27.08.2018, the Economic Times carried a report in respect of the said complaint. The report set out the allegations of the respondent no.2. The said report also quoted the petitioner as having stated, *inter alia*, that the person who has filed the complaint before the BCD is a "*crook*". According to the complaint subsequently filed by the respondent no.2, the said statement of the petitioner was defamatory and lowered his reputation in the eyes of the public.

(iv) On 31.08.2018, the respondent no.2 sent a legal notice to the petitioner demanding an unconditional apology. The petitioner sent a reply dated 07.09.2018 (Annexure P-12 to the present petition).

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(v) The Bar Council complaint came to be dismissed by the Bar Council of Delhi *vide* order dated 16.11.2018. Thereafter, the respondent no.2 filed the complaint under Sections 190 and 200 Cr.P.C. read with Sections 499 and 500 IPC, which is, Complaint Case No. 11/2019, before the learned ACMM-I, Rouse Avenue Courts Complex, New Delhi.

(vi) The learned ACMM took cognizance of the complaint on 15.01.2019. On 02.02.2019, the respondent no.2 examined himself as CW-1 and stated that he did not wish to examine any other witness; the pre-summoning evidence was, accordingly, closed.

(vii) By order dated 20.04.2019, the learned ACMM summoned the petitioner for the offence under Section 500 IPC. Consequently, the present petition has been filed.

(viii) *Vide* order dated 15.05.2019 passed in the present proceedings, notice was issued in the present petition and the operation of the impugned order was stayed; the said interim order has continued since then.

4. Learned senior counsel for the petitioner has been heard at some length. She submits that:

(a) the requirement of Explanation 4 to Section 499 IPC is not satisfied, inasmuch as the respondent no.2 examined only himself as CW-1 and did not examine any other person to show that his reputation was lowered in the estimation of others;

(b) the summoning order is mechanical and nearly identical to the summoning order passed in Complaint Case No. 10/2019, which was also filed by the respondent no.2 against the petitioner. The summoning order and the proceedings in the said complaint case have been quashed by a Coordinate Bench of this Court *vide* judgment dated 25.08.2026 in

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CRL.M.C. 2595/2019. It is submitted that the said judgment covers the factual conspectus of the present case as well; and

(c) the respondent no.2 has not been appearing in the matter, despite notice, either before this Court or before the learned trial Court.

5. Section 499 IPC defines the offence of defamation. Explanation 4 to Section 499 IPC reads as under:

> *"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 lothsome state, or in a state generally considered as disgraceful."*

6. In ***Jeffrey J. Diermeier v. State of West Bengal***, (2010) 6 SCC 243, the Supreme Court held as under:

> ***"30.*** *However, as per Explanation 4 to the section, no imputation is said to harm a person's reputation, unless that imputation directly or indirectly 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, in the estimation of others 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."*

7. More recently, in ***Jaideep Bose v. M/s Bid & Hammer Auctioneers Pvt. Ltd.***, 2025 SCC OnLine SC 348[1], the Supreme Court set aside the

[1] "20. ……The complainant failed to produce any witness to prima facie establish that the alleged imputations had lowered their reputation in the estimation of others and the Magistrate, after merely reviewing the complainant's statement, proceeded to issue summons. Thus, the Magistrate's order clearly suffers from procedural irregularity. Ordinarily, such irregularities would warrant a remand. However, in the present case, the auction was conducted on 27.06.2014 and the complaint was filed on 22.08.2014. No material has also been placed before us to suggest that the auction was unsuccessful or that any damage or loss was actually caused, due to the alleged news articles published in the newspapers. Irrespective of the same, at this stage, remanding the matter for fresh examination of witnesses before issuance of summons would serve no useful purpose, given the remote likelihood of securing witnesses. It would only prolong the litigation yielding little to no benefit especially, since the auction has already concluded and more than a decade has passed…."

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summoning order, *inter alia*, on the ground that the complainant had failed to produce any witness to *prima facie* establish that the alleged imputations had lowered its reputation in the estimation of others. Similarly, in ***Madanjit Kumar v. J.P. Singh & Ors.***, 2019 SCC OnLine Del 6853[2], this Court upheld the dismissal of a complaint where the complainant had not examined any person to whom the imputation was published.

8. In the facts and circumstances of the present case, I find merit in the present petition. It is evident that the complaint of the respondent no.2 is predicated on the premise that the publication tarnished his image. However, he has not named any person who read the report or in whose estimation his reputation stood lowered, and he did not examine anybody other than himself at the stage of pre-summoning evidence.

9. Importantly, in the context of the connected complaint, i.e., Complaint Case No. 10/2019, based on a publication on another platform *viz*. Dailyhunt News dated 24.01.2019, a Coordinate Bench of this Court has had occasion to consider the matter at length.

10. The judgment dated 25.08.2026 came to be pronounced in CRL.M.C. 2595/2019 (2026:DHC:7169). In that case, the Coordinate Bench set aside the summoning order dated 20.04.2019 in Complaint Case No. 10/2019. The complaint was between the same parties and arose from the same controversy. The Coordinate Bench held that the complainant's claim of harm to his reputation rested only on his own assertion, with no other material to show that his reputation was lowered in the estimation of others.

[2] 9. The core issue that arises is as to whether any evidence has been led to show the imputation to have been "published" within the mischief of Section 499 IPC…….
11. Given the fact that the petitioner did not examine any other person to whom the incriminating material may have been published, the view taken by the courts below cannot be faulted."

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It also noted that no reporter or other person associated with the publication had been examined to prove the alleged statement.

11. The operative portion of the aforesaid judgment dated 25.08.2026 reads as under:

> *"18. In the present case, the respondent no. 2 examined himself as the sole witness in the pre-summoning evidence. There is no material on record, in the form of statement of any other person or otherwise, to prima facie demonstrate that the alleged imputation had the effect of lowering the reputation of respondent no. 2 in the estimation of others. The allegation that the publication caused damage to his reputation, by itself, remains an assertion of the complainant and does not establish the statutory requirement contemplated by Explanation 4 to Section 499 IPC.*
>
> *19. This Court is conscious that, at the stage of taking cognizance or issuance of process, the Court is not required to undertake a meticulous appreciation of evidence or conduct a mini-trial. However, the limited nature of the inquiry at such stage cannot dispense with the requirement that the basic ingredients of the offence must be prima facie disclosed from the material placed before the Court.*
>
> *20. There is, however, another aspect which also merits consideration. The allegation against the petitioner is founded upon the contents of an online news report published by 'Dailyhunt'. It is pertinent to note that the petitioner has specifically denied having given any such interview. In support of his stand, he had also addressed a letter dated 22.03.2019 to the Editor of Odisha Post, denying having given the alleged interview and seeking publication of a clarification. At this stage, it is also relevant to note that the material placed before the learned ACMM does not disclose examination of the concerned reporter or author of the publication, or any person associated with the concerned newspaper/news portal, who could prima facie establish that the alleged words were in fact uttered by the petitioner. Rather, as pointed out by the learned counsel for petitioner, the respondent no. 2 had subsequently arrayed the editor/owner of the said news portal as an accused in the complaint. Thus, apart from the publication itself, there was no independent material before the learned ACMM*

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connecting the alleged statement with the petitioner. In these facts, this Court also takes note of the decision of the Allahabad High Court in R.P. Goenka (supra), wherein, while considering a challenge to criminal defamation proceedings and after taking note of the law laid down by the Hon'ble Supreme Court, it was observed that a newspaper report is, at best, hearsay or secondary evidence and its contents are required to be duly proved. The Court observed that such report could be proved by examining the reporter who had heard the alleged statement and sent it for publication, or by producing the concerned reporter and/or editor of the newspaper. The said decision, therefore, lends further support to the proposition that the mere production of a newspaper report, without the examination of the person who authored or reported the alleged statement, cannot by itself furnish sufficient material to establish that the statement was in fact made by the accused.

21. In view of the aforesaid discussion, and upon an overall conspectus of the peculiar facts and circumstances of the present case, this Court is of the considered view that the continuation of the criminal proceedings against the petitioner would not serve the ends of justice, particularly when the respondent no. 2, having examined himself as the sole witness, has not placed any material to prima facie demonstrate that the alleged imputation had lowered his reputation in the estimation of others as contemplated under Explanation 4 to Section 499 of IPC and, further, the alleged imputation is founded upon an online news report which has not been supported by examination of the concerned reporter, author, editor or any other person associated with the news portal, particularly when the petitioner had specifically denied having made the alleged statement and had also addressed a communication seeking clarification in this regard, and in these peculiar facts and circumstances."

12. The *dicta* laid down in the aforesaid judgment squarely applies to the facts and circumstances of the present case as well.

13. As noticed, the respondent no.2 has not been appearing in these proceedings. No one appeared on behalf of the respondent no.2 on 13.12.2024, 14.05.2025, 08.09.2025, 24.03.2026 and 28.04.2026, despite the

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last and final opportunity granted to him *vide* order dated 24.03.2026 to address arguments; nor has anyone appeared on his behalf on 02.09.2026 or today. It was also brought to the notice of this Court on 02.09.2026 that the complainant has not been appearing before the learned trial Court for the last several dates.

14. This Court has, nevertheless, considered the counter affidavit dated 03.09.2019 filed by the respondent no.2. The same essentially reiterates the allegation of conflict of interest against the petitioner and asserts, in general terms, that the publication caused damage to his reputation and that the evidence need not be appreciated at the stage of summoning. Nothing therein addresses the absence of any material to show that the alleged imputation lowered the reputation of the respondent no.2 in the estimation of others.

15. Considering the totality of circumstances, the judgment dated 25.08.2026 rendered by the Coordinate Bench, I find no impediment in allowing the present petition.

16. It is also noticed that the impugned order does not consider the context in which the words were allegedly used by the petitioner and the dismissal of the complaint by the Bar Council of Delhi. What particularly weighs with the Court is the fact that the summoning order in the connected complaint on the same controversy has already been set aside on grounds identical to those urged in the present petition.

17. Accordingly, the present petition is allowed. The impugned summoning order dated 20.04.2019 passed by the learned ACMM in Complaint Case No. 11/2019 is set aside.

18. The Complaint Case No. 11/2019, and all proceedings emanating

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therefrom stand quashed.

19. The petition stands disposed of in the above terms. Pending application also stand disposed of.

20. Let a copy of this order be sent to the trial Court for information and necessary compliance.

SACHIN DATTA, J

NOVEMBER 17, 2026/cl

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