



2026:AHC:112901

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 43284 of 2025**

Vipin Kumar Malhotra

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

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Counsel for Applicant(s) : Anil Mullick  
Counsel for Opposite Party(s) : G.A., Hari Keshav

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**Reserved on – 18.02.2026**  
**Delivered on - 15 .05.2026**

**Court No. - 79**

**HON'BLE CHAWAN PRAKASH, J.**

1. Heard Mr. Anil Mullick, learned Counsel for the applicant, Mr. Hari Keshav, learned Counsel for opposite party no.2 and learned A.G.A. for the State.

2. This application under Section 528 BNSS has been filed to quash the summoning order dated 06.04.2024, passed by the Judicial Magistrate/Additional Civil Judge (Junior Division), Court No. 1, District Meerut, and the entire proceedings of Complaint Case No. 907 of 2024 under Section 500 I.P.C., Police Station Lalkurti, District Meerut, as well as the order dated 10.09.2025 passed by the Additional

Sessions Judge, Court No. 3, Meerut, in Criminal Revision No. 419 of 2024.

3. According to the facts, Dr. Akshay Jain, the opposite party No. 2/ complainant filed the subject complaint in the Court of Judicial Magistrate/Additional Civil Judge (Junior Division), Court No. 1, District Meerut, alleging that the applicant published an article in the edition dated 9th July 2023 of the Dainik Jagran newspaper as a news item titled "Dr. Akshay's Prescription Used; Accused Granted Bail in Snigdha Case." The applicant also filed false and baseless complaints against him on the Chief Minister Portal, Prime Minister Portal, and several other platforms. Accordingly, the Chief Medical Officer, Meerut, was directed to inquire into the matter. He further alleged that after investigation, the entire matters/complaints were found to be false and baseless. These acts of the applicant brought down his reputation in the eyes of the public at large; thus, the applicant was liable to be prosecuted for criminal defamation punishable under Section 500 IPC.

4. The learned Magistrate, after considering all the averments made in the complaint, statements of opposite party No. 2 and witnesses (Uttam Saini, Jamuna Das, and Bilal Rizvi) under Sections 200 and 202 Cr.P.C., and documents filed with the complaint, summoned the applicant under Section 500 IPC vide order dated 06.04.2024. Thereafter, the applicant challenged the said summoning order by filing Criminal Revision No. 419 of 2024, but the same was dismissed by the Additional Sessions Judge, Court No. 3, Meerut vide order dated 10.09.2025. The order dated 06.04.2024, passed by the Judicial Magistrate, and the order dated 10.09.2025, passed by the Additional Sessions Judge, are assailed in the present application.

5. Learned Counsel for the applicant submits that the learned Magistrate committed a serious error in taking cognizance of the complaint, which fails to disclose the commission of any offence. He further submitted that even if the entire case, as presented by opposite

party No. 2, is accepted or believed to be true, none of the ingredients constituting the offence of defamation as defined in Section 499 of IPC and made punishable under Section 500 of IPC are disclosed. He pointed out that the applicant has no connection with the said news article, and nowhere, either in the news item or in the complaint, is it stated that the news item was published by the applicant. The news item published in the newspaper concerns court proceedings, which are fully covered by Exception IV of Section 499 IPC.

6. He further submitted that the learned Magistrate failed to consider Exception VIII of Section 499 IPC. The applicant filed these complaints against opposite party No. 2 in good faith, as charge sheets under Sections 193 and 120-B IPC were filed against him. All the complaints made to the Chief Minister Portal, Prime Minister Portal, etc., were filed in good faith without malice. He further submitted that summoning any person in a criminal case is a serious matter, and criminal law cannot be set into motion as a matter of course. The Magistrate must carefully scrutinize the evidence brought on record and determine whether any offence is prima facie made out. The Magistrate may even personally put questions to the complainant and his witnesses to elicit answers to find out the truth of the allegations and then examine if any offence is prima facie committed by all or any of the accused. In the present case, the learned Magistrate has committed a serious error in passing the summoning order, as no prima facie case is made out against the applicant. Even the learned Revisional Court has not passed the impugned order in accordance with the facts of this case. Accordingly, the summoning order, as well as the order passed by the Revisional Court, is liable to be set aside.

7. Per contra, learned counsel for opposite party No. 2 vehemently opposed the arguments submitted by learned counsel for the applicant repuler and stated that opposite party No. 2 is a senior and renowned doctor of Meerut city. He has been successfully, diligently, and honestly

running his medical practice from Arogya Clinic, B-13, Adarsh Nagar, Meerut for many years. He enjoys a rich legacy that is enviable, having been established by a person of unimpeachable character and reputation. The defamatory news article and mala fide complaints made against him by the applicant have had a serious and adverse impact on his reputation. The said news article was widely circulated and caused considerable harm to him. As a result, his reputation was significantly tarnished, and his credibility has been undermined in the eyes of his clients and the public. He further submitted that in light of the substantial reputational damage caused, he preferred a complaint under Section 200 Cr.P.C. against the applicant for committing criminal defamation. He underwent examination and also produced three witnesses. The learned Magistrate, after careful consideration of the defamatory nature of the said news article and the complaints made against him, issued summons against the applicant.

**8.** He further submitted that he had a long-standing relationship with the family of the applicant. The applicant's daughter, Snigdha, was married to Udit Arya, who was being treated by Dr. Geetanjali. Dr. Geetanjali prescribed some medicine. However, Udit Arya was unable to read or understand the medicines and requested opposite party no.2 to write them clearly on his letterhead. Thereafter, opposite party No. 2 wrote the medicines clearly on his letterhead in good faith. After some time, Snigdha died due to dengue. Subsequently, the applicant lodged an F.I.R. as Case Crime No. 310 of 2022 against Udit Arya, Rakesh Arya, Madhu Arya, and Shubham Arya under Sections 498A and 304B IPC. Later, all the accused persons were granted anticipatory bail by the High Court. Thereafter, the applicant filed complaints against him before different forums and also got the said news articles published to cause defamation. The learned Magistrate has not committed any illegality in passing the summoning order, as a prima facie case is made out against him. Even the learned Additional Sessions Judge has not

committed any illegality by dismissing the said criminal revision and submitted that this application is liable to be dismissed.

9. Having heard the learned counsel appearing on both sides and having gone through the material available on record, the only question for determination is whether the allegations made in the complaint filed by opposite party No. 2 make out the offence under Section 500 IPC or not.

10. Section 499 of the Indian Penal Code reads thus:

**“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.—** *It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.*

**Explanation 2.—** *It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.*

**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.*

**Fourth Exception.—** *Publication of reports of proceedings of Courts.— It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.*

***Eighth Exception.***— *Accusation preferred in good faith to authorised person.— It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.*”

11. Before appreciating the rival contention, it is necessary to look out into the specific allegation raised in the complaint against the applicant which are extracted in English as under:

*“1. The petitioner/complainant is a senior and well-known physician in Meerut city and has been successfully, diligently, and honestly running his medical practice under the name "Arogya Clinic" at B-13 Adarsh Nagar, Meerut, for many years. The petitioner/complainant enjoys a good reputation in the field of medicine in Meerut district and surrounding areas and is always ready to provide social service, treatment, and assistance to poor and needy patients. The petitioner/complainant is also an income taxpayer.*

*2. Upon reading the news published on page 6 of the daily newspaper Dainik Jagran dated 09-07-2023 titled "Dr. Akshay's Prescription Used, Accused in Snigdha Case Got Bail," the petitioner/complainant was surprised. In it, Snigdha's father (Vipin Kumar Malhotra) accused the petitioner/complainant of colluding with the accused in the Snigdha case to secure bail for them and improperly issuing a prescription for Snigdha's treatment. The news also revealed that Vipin Kumar Malhotra and his family lodged a false complaint against the petitioner/complainant with the Chief Medical Officer (CMO), following which the petitioner/complainant was asked for clarification. Due to the news publication and the petition submitted to the CMO office, the petitioner/complainant suffered severe defamation within the medical community and in Meerut district and surrounding areas, seriously damaging his reputation and standing. After the publication of the news and circulation of the petition among the people, many discussions took place via phone and in person, and the petitioner/complainant was viewed with suspicion, causing considerable harm to his social reputation and tarnishing his prestige.*

*3. The accused also filed false complaints against the petitioner/complainant on the Honorable Chief Minister of Uttar Pradesh's Lucknow portal, the Prime Minister's portal,*

*and several other platforms. In response, the Meerut Division authorities requested an investigation report from the Chief Medical Officer, Meerut, regarding these complaints. This information spread throughout the medical community, causing significant defamation and disgrace to the petitioner/complainant. However, after a thorough investigation, the Chief Medical Officer found the complaints by the accused to be baseless and untrue and gave a clean chit to the petitioner/complainant. The letter from the Chief Medical Officer, Meerut, to the Commissioner, Meerut Division, dated 13-06-2023, is attached regarding this matter.*

*4. The actual facts of the case are as follows: Snigdha's husband, Udit Arya's paternal aunt, Mrs. Anita Jain, wife of Mr. A.K. Jain, is the petitioner/complainant's younger brother's wife. Therefore, there are personal relations between the petitioner/complainant and Udit Arya's family. Snigdha's father, Vipin Kumar Malhotra (accused), had some issues during pregnancy, and Dr. Gitanjali Bendre, who was treating her, was not available that day. She had prescribed some medicines over the phone, but the spellings were incorrect and thus unreadable. Subsequently, on 10-09-2022, Udit Arya contacted the petitioner/complainant to obtain the correct spellings of those medicines prescribed for Snigdha and informed him about her condition. Knowing this, on 10-09-2022, the petitioner/complainant wrote the correct spellings of the medicines prescribed over the phone by Dr. Gitanjali on his letterhead, which was also his duty as a physician. These medicines were not harmful to the patient in any way.*

*5. It is stated that the petitioner/complainant later became aware that on 19-09-2022, Snigdha contracted dengue. Due to no fetal heartbeat being detected on ultrasound, she was initially admitted to S.D.S. Hospital and, on the same day, transferred to Nutirma Hospital. There, her husband Udit Arya and two of Udit's friends arranged a jumbo pack of platelets due to Snigdha's very low platelet count. However, the fetus could not be saved. On 20-09-2022, Snigdha gave birth to a stillborn baby and remained admitted to Nutirma Hospital until 25-09-2022. After being discharged on 25-09-2022, Snigdha was taken by her parents to their home in Defence Colony, where she continuously remained unwell from 25-09-2022 until 22-10-2022, when she tragically passed away. Throughout this entire period, from 25-09-2022*

to 22-10-2022, Snigdha did not receive proper medical treatment, which possibly led to an increasing infection in her body.

6. It is stated that Vipin Kumar Malhotra and his family members, Mrs. Beenu Malhotra and Mohit Malhotra, with the intention of exerting undue pressure and blackmail, filed a case against Udit Arya, his family members, and the petitioner/complainant's brother's wife, Anita Jain, at the Gangangar police station under Sections 498A and 304B of the Indian Penal Code, alleging dowry death due to Snigdha's illness-related natural demise. In this case, all the accused were granted anticipatory bail by the honorable court, which recognized Snigdha's death as natural. Copies of the bail orders and the First Information Report (FIR) are attached. Notably, Snigdha's post-mortem report indicates sepsis (septicemia) as the cause of death. The post-mortem report is attached.

7. It is stated that, keeping in mind the above incidents and with malice, Vipin Kumar Malhotra, Mrs. Beenu Malhotra, and Mohit Malhotra have been making false and defamatory statements, holding press conferences, and filing complaint petitions against the petitioner/complainant to blackmail and defame him and his family, causing severe damage to the petitioner/complainant's reputation and dignity in society. As a result, the petitioner/complainant has suffered serious defamation and harm to his reputation. Moreover, he has endured severe mental distress due to having to continuously explain these matters to members of society and acquaintances.

8. It is stated that the accused, Vipin Kumar Malhotra, filed a false case against the petitioner and others at the A.C.J.M. Court No. 5, Meerut, through petition number 1141/2023 (Vipin Kumar Malhotra vs. Udit Arya and others) under Section 156(3) of the Code of Criminal Procedure, registered at Civil Lines police station. For investigation, the Civil Lines police visited the petitioner's house and clinic, causing great humiliation and defamation before the colony and the entire nursing home staff. Later, the court dismissed Vipin Kumar Malhotra's petition. Subsequently, Vipin Kumar Malhotra filed a criminal supervision petition number 543/2023 before the District and Sessions Judge, Meerut, which was dismissed by the Court of Special Judge

*(Prevention of Corruption Act), Meerut, on 12-12-2023. Copies of both orders are attached.*

*9. It is stated that Vipin Kumar Malhotra, Mrs. Beenu Malhotra, and Mohit Malhotra are continuously defaming and maligning the petitioner/complainant by exerting undue pressure without any cause, solely for the purpose of blackmail. By doing so, they have committed an offense under Section 500 of the Indian Penal Code. In the interest of justice, it is necessary that they be punished.*

*Therefore, it is humbly requested that a summons be issued under Section 500 of the Indian Penal Code against the accused Vipin Kumar Malhotra, Mrs. Beenu Malhotra, and Mohit Malhotra, and that they be punished.”*

**12.** The statement of opposite party no.2 recorded under Section 200 Cr.P.C. is as under:

*“I have been practicing medicine for the past 44 years. There is a hospital named 'Giripush Arogya Hospital' located in Adarsh Nagar. The opposing parties are members of the same family with whom I had a long-standing relationship. The opposition used to visit our home frequently. The daughter of Opponent No. 1, Snigdha, was being treated by Dr. Geetanjali, who also prescribed some medicines. However, Udit Arya was unable to read or understand those medicines and requested that the prescriptions be written clearly on official letterhead. In good faith, I wrote the medicines clearly on my letterhead for Udit Arya.*

*After some time, due to adverse circumstances such as dengue, the daughter of Opponent No. 1 passed away, an event unrelated to my treatment. Nonetheless, on July 9, 2023, the opposing parties published a statement in the daily newspaper Dainik Jagran alleging that my prescriptions contributed to their daughter's death and accusing me of assisting the accused in this case. They also claimed that I conspired with the accused and provided those medicines solely to help the accused obtain bail. These allegations appeared in the Meerut edition of the national newspaper Dainik Jagran (page 6) on July 9, 2023.*

*This publication has tarnished my reputation and harmed my standing in the community. I reported the matter to the police station, but no action was taken. As a result of their*

*complaints, the police have repeatedly summoned me unnecessarily, causing mental harassment.*

*I have nothing further to add.”*

**13.** It is an undisputed fact that a First Information Report, Case Crime No. 310 of 2022, under Sections 304B, 498A I.P.C., and Section 3/4 of the Dowry Prohibition Act, was registered against Udit Arya, Rakesh Arya, Madhu Arya, and Shubham Arya at Police Station Ganga Nagar, District Meerut. After investigation, charge-sheet No. 185 of 2023 was filed on 08.08.2023. Subsequently, the applicant, being unsatisfied with the said investigation, approached the higher authority. The D.G.P., vide his letter No. DG Meerut (19) 2023/4419 dated 08.08.2023, transferred the investigation to District Bulandshahr. The Circle Officer (Crime), Bulandshahr, commenced the investigation and filed a charge-sheet under Section 498A, 304B I.P.C. read with Section 4 of the Dowry Prohibition Act against Udit Arya, Rakesh Arya, and Madhu Arya. The accused, Udit Arya, filed Anticipatory Bail Application No. 4560 of 2023, and the Co-ordinate Bench of this Court allowed the said application vide order dated 03.05.2023.

**14.** On 09.07.2023, a news article titled "Dr. Akshay's Prescription Used; Accused Granted Bail in Snigdha Case" was published on Page No. 6 of Dainik Jagran, Meerut Edition. A copy of the said news item is annexed with this application as Annexure-7, the English transcribed form of which is as follows:

*“Dr. Akshay's Prescription Used; Accused Granted Bail in Snigdha Case*

*Jagran Correspondent, Meerut - All five accused in the dowry harassment case involving Snigdha have been granted anticipatory bail by the court. During the bail hearing, the accused stated that Snigdha was taken to Dr. Akshay Jain from September 8 to September 19, 2023. His prescription was also submitted to the court. However, Snigdha's father claimed that despite her illness, she was not given proper treatment, which ultimately led to her death. Medicines were*

*provided only after a phone conversation with Dr. Geetanjali Bora Bendre.*

*Following the accused's presentation of Dr. Akshay Jain's prescription in court, the deceased's father filed an application to register a case against the doctor. It has been alleged that the prescription was fabricated and submitted to the court through collusion. CO Sadar Dehat Devesh Kumar stated that the prescription of Dr. Akshay Jain is currently under investigation as per the court's orders. A charge sheet is being prepared against all the accused in this case. Dr. Jain has confirmed that a response regarding this matter has been submitted to the Chief Medical Officer (CMO) on his behalf."*

**15.** A perusal of the said news article reveals that the source was the Jagran Correspondent, Meerut, and it is general news, commonly reported in other crime reports. The article does not state anywhere that it was published by the applicant or his family members. Furthermore, the applicant (father of the deceased Snigdha) has filed an application in the Court regarding the involvement of opposite party no. 2 in the dowry case.

**16.** After filing the complaint, opposite party no. 2 had himself examined under Section 200 Cr.P.C., and also examined Jamuna Das (PW-1), Bilal Rizvi (PW-2), and Uttam Saini (PW-3). In the statements of opposite party no. 2 under Section 200 Cr.P.C. and of witnesses under Section 202 Cr.P.C., it is not proved that the applicant was responsible for publishing the said news article. In other words, it can be concluded that opposite party no. 2 has not produced any evidence before the concerned Court that the applicant was responsible for the publication of the said news article.

**17.** As for the complaints made by the applicant to the Chief Minister Portal, Prime Minister Portal, etc., the sole allegation of opposite party no. 2 is that these complaints were filed by the applicant with malicious intent to harm the reputation. Opposite party no. 2 has admitted in the complaint itself and in his statement under Section 200 Cr.P.C. that the

applicant's daughter was married to Udit Arya. She was receiving treatment from Dr. Geetanjali, who prescribed some medicine; however, Udit Arya was unable to read or understand the medicines. Subsequently, at Udit Arya's request, opposite party no. 2 wrote the medicine on his letterhead.

**18.** It is also an admitted fact that the applicant registered a First Information Report as Case Crime No. 310 of 2022 against Udit Arya (son-in-law), Rakesh Arya, Madhu Arya, and Shubham Arya under Sections 304B, and 498A I.P.C. and Section 3/4 of the Dowry Prohibition Act at Police Station Ganga Nagar, District Meerut. After investigation, a charge-sheet under Section 498A, 304B I.P.C., and Section 3/4 of the Dowry Prohibition Act was filed. Being unsatisfied with the investigation, the applicant approached higher authorities. Subsequently, the D.G.P., U.P., vide his letter No. DG Meerut (19) 2023/4419 dated 08.08.2023, transferred the investigation to District Bulandshahr. The extracts of the said report are as follows:

*“Senior Superintendent of Police, District Bulandshahr,*

*Kindly be informed that on 23.10.2023, the complainant Mr. Vipin Kumar Malhotra, son of the late Shadillal, resident of B-28 Defense Colony, Ganganagar, Meerut, filed case no. 310/2022 at Ganganagar Police Station, District Meerut, under Sections 498A and 304B of the IPC and Sections 3 and 4 of the Dowry Prohibition Act against the following accused:*

- 1. Udit Arya (husband), son of Rakesh Arya*
- 2. Mrs. Madhu (mother-in-law), wife of Rakesh Arya*
- 3. Shubham Arya (brother-in-law), son of Rakesh Arya*
- 4. Rakesh Arya (father-in-law), son of Omprakash Arya, residents of 105 Kornak Colony, Roorkee Road, Meeru*
- 5. Anita Jain (aunt), wife of Dr. Ajay Jain, resident of B-13 Adarsh Nagar, Begambagh, Lalkurti Police Station, District Meerut,*

*alleging that the complainant's daughter, Snigdha, was demanded 6 million rupees and a vehicle and was subjected*

*to harassment. Due to the harassment, she had a miscarriage. On 21.10.2022, she was assaulted and locked in a room. When the complainant brought his daughter home, her condition worsened, and she died while being taken to the hospital. A registration was made regarding her death, and the investigation has been conducted by me, the Area Crime Officer.*

*During the investigation of the above case, Dr. Akshay Jain, son of the late Mr. Girilal Jain, resident of B-13 Adarsh Nagar, Lalkurti, District Meerut, stated that the medicine prescribed for Snigdha by Dr. Geetanjali Bendre was not understood by the medical store owners; therefore, Udit Arya approached Dr. Akshay Jain to obtain the correct spelling of the medicine or to have the prescription made. However, contrary to this statement, the examination of the Call Detail Record (CDR) of Udit Arya's phone number 8454045412 reveals that Udit Arya did not visit Dr. Akshay Jain on 10.09.2022 to get the prescription made because the location of Udit Arya's phone was not near Dr. Akshay Jain's Giripushp Arogya Hospital, and there was no phone conversation between Udit Arya and Dr. Akshay Jain. There is a contradiction between Dr. Akshay Jain's statement and the location and call logs in Udit Arya's CDR. Therefore, it appears that the prescription was fabricated by Dr. Akshay Jain to benefit the above-named accused in this case. Since Mrs. Anita Jain, wife of Dr. Ajay Jain, resident of B-13 Adarsh Nagar, Begambagh, Lalkurti Police Station, District Meerut, is the sister of accused Rakesh Arya, son of Omprakash Arya, and the wife of Dr. Ajay Jain, the younger brother of Dr. Akshay Jain, Anita Jain appears to be involved in the false/fake prescription prepared by Dr. Akshay Jain on 10.09.2022.*

*Therefore, your honor is requested to kindly take action against Mr. Akshay Jain, son of the late Mr. Girilal Jain, and Mrs. Anita Jain, wife of Dr. Ajay Jain, residents of B-13 Adarsh Nagar, Lalkurti, District Meerut."*

**19.** The Investigating Officer obtained the call detail report of Udit Arya and opposite party no.2 and found that Udit Arya did not visit Dr. Akshay Kumar Jain on 10.09.2022 to obtain the prescription because Udit Arya's location was not found near Dr. Akshay Kumar Jain's hospital. Furthermore, there was no telephonic conversation between

Udit Arya and opposite party no. 2. The Investigating Officer found that it appears the prescription was prepared by opposite party no.2 on 10.09.2022.

**20.** The allegations made by the applicant in the complaints are duly supported by the said investigation. Moreover, it cannot be said that the complaints were filed with the intention to harm the reputation of opposite party no.2.

**21.** The principles governing the summoning of an accused in a criminal case, as well as the parameters for quashing criminal proceedings, are well-settled. Summoning an accused in a criminal case is a serious matter, and criminal law cannot be set into motion as a matter of course. It is not necessary that the complainant bring only two witnesses to support allegations in the complaint to initiate criminal proceedings. The order of the Magistrate summoning the accused must reflect an application of mind to the facts of the case and the applicable law. The Magistrate must carefully scrutinize the evidence brought on record and determine whether any offence is prima facie established. The Magistrate may even personally put questions to the complainant and witnesses to elicit answers to ascertain the truthfulness of the allegations and then examine if any offence is prima facie committed by any or all of the accused.

**22.** When an accused seeks quashing of either the FIR or criminal proceedings on the ground that such proceedings are manifestly frivolous, vexatious, or malicious, the Court is duty-bound to examine the matter with greater care. It will not suffice for the Court to consider only the averments made in the FIR/complaint to ascertain whether the necessary ingredients to constitute the alleged offence are disclosed. In frivolous or vexatious proceedings, the Court has a duty to consider additional circumstances emerging from the case record, beyond the averments, and, if necessary, with due care and circumspection, to read between the lines. While exercising its jurisdiction under Section 482

CrPC or Article 226 of the Constitution, the Court need not restrict itself to the stage of the case but is empowered to consider the overall circumstances leading to the initiation/registration of the case as well as the materials collected during the investigation.

**23.** Based on the material available on record, there is no evidence to prove that the applicant was responsible for the publication of the said news article. Furthermore, there is no evidence to prove that the complaints were made with malicious intent to harm the reputation of Dr. Akshay Kumar Jain. Additionally, opposite party no. 2 has not filed any evidence to prove that the applicant had conducted any press conference.

**24.** Considering the overall facts and circumstances, it can be said that no prima facie case is made out against the applicant. The learned Magistrate passed the summoning order in a very casual manner and did not properly consider the facts of this case.

**25.** Accordingly, the application under Section 528 B.N.S.S. is **allowed**. The summoning order dated 06.04.2024 passed by the Judicial Magistrate/Additional Civil Judge (Junior Division), Court No. 1, District Meerut, in Complaint Case No. 907 of 2024, under Section 500 I.P.C., Police Station Lalkurti, District Meerut, along with the entire proceedings of the aforesaid complaint case, as well as the revisional order dated 10.09.2025 passed by the Additional Sessions Judge, Court No. 3, Meerut in Criminal Revision No. 419 of 2024, are hereby **quashed**.

**(Chawan Prakash,J.)**

**May 15, 2026**  
Vijay