



**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR  
ON THE 12<sup>th</sup> OF AUGUST, 2024  
MISC. CRIMINAL CASE No. 10239 of 2024  
*AIR MARSHAL HARISH MASAND*  
*Versus*  
*THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Petitioner Air Marshal (Retd.) Harish Masand, present in person.*

*Shri S. S. Thakur – G.A./P.L. for respondent/State.*

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**ORDER**

- 1] Heard finally, with the consent of the parties.
- 2] This petition under Section 482 of Cr.P.C. has been filed by the petitioner against the order dated 03.02.2024, passed in Cr.R. No.96 of 2023 by the II Additional Sessions Judge, Dr. Ambedkar Nagar, Indore affirming the order passed by the Judicial Magistrate, Dr. Ambedkar Nagar, Indore dated 14.10.2023 in UNCR No.118/2023 whereby the JMFC has dismissed the complaint filed by the petitioner.
- 3] In brief, the facts giving rise to the present petition are that the petitioner had filed a private complaint on 11.04.2023, alleging his defamation by the respondents, on the ground that the respondents had made a false complaint to the Collector, Indore, regarding his inappropriate behavior, as both the parties, the respondents as also the petitioners are the residents of the same Housing Co-operative Society, and the petitioner being the President of the said society, had



misconducted himself. It is the further case of the petitioner that although no action has been taken by the Collector in respect of the aforesaid complaint, and a complaint made to the Senior District Registrar by the respondent was also forwarded to the Deputy Commissioner, Co-operative, on 18.04.2023, who has referred the same to the Co-operative Inspector on 03.05.2023. Thus, a show cause notice was issued by the said Co-operative Inspector to the petitioner about the said inquiry, and being aggrieved and distressed by the same, the petitioner has filed the aforesaid private complaint, alleging defamation against the respondents by way of the aforesaid communications to the authorities.

4] The complaint has been rejected by the learned Judge of the Trial Court vide its order dated 14.10.2023, holding that the complaint made by the respondents cannot be termed as a defamatory statement on their behalf against the petitioner. When the aforesaid order was challenged in a Revision before the District Court, the same has also been dismissed by the II Additional Sessions Judge, Ambedkar Nagar, Indore, vide its order dated 03.02.2022. Hence, this petition.

5] The petitioner has submitted that both the Courts of the District Court have erred in not considering the fact that the petitioner is a retired Air Marshal of the Indian Air Force, against whom, irresponsible and defamatory complaint has been filed by the respondents, which has caused extreme anguish to him and his reputation has also been tarnished. Thus, it is submitted that the impugned order be set aside, and the matter may be remanded back to



the Judicial Magistrate for deciding the petitioner's complaint on merits.

6] Heard. On due consideration of submissions and on perusal of the documents filed on record, including the complaint made by the respondents to the Collector, Indore, as also the communications between the Officers of the Co-operative Societies, and the resultant notice to the petitioner by the Co-operative Inspector, asking him to appear before her on 19.05.2023, as also the complaint filed by the petitioner under Section 499/500 of the IPC against the respondents, this Court is of the considered opinion that the aforesaid complaint filed by the petitioner is totally misconceived and is not tenable, as this Court is also of the considered opinion that merely filing of any complaint against the Government authorities would not tantamount to defamation as prescribed under Section 499/500 of IPC as the same would fall under the *Eighth Exception* to Section 499 of IPC which provides as under:-

***“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.”***

Thus, no case for interference is made out.

7] Accordingly, the petition sans merits, is hereby ***dismissed***.

**(SUBODH ABHYANKAR)  
JUDGE**