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MCRC-43258-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 25th OF FEBRUARY, 2026

MISC. CRIMINAL CASE No. 43258 of 2024

LAKHAN SINGH SOLANKI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Yogesh Soni - Advocate for the petitioner.

Shri Ajeet Rawat G.A. for the respondent/State.

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ORDER

“Journalism is the first rough draft of history; its sanctity lies in truth, independence and service to public interest—not in fear, favour or personal gain.”

2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure) seeking quashment of F.I.R. bearing Crime No. 266/2023 registered at Police Station Ghansaur for the offences punishable under Sections 384 and 420 of the Indian Penal Code, the charge-sheet filed pursuant thereto, and all consequential proceedings.

3. The F.I.R. came to be registered on 05.08.2023 on the basis of a written complaint submitted on 29.07.2023 by the complainant, Mr. Koklal Yadav, who claims to be the District President of Yadav Community at Seoni. In the complaint, it has been alleged that on 18.07.2023, the



complainant along with Bharat Yadav, Badri Yadav, Ramswaroop Yadav and Rajesh Yadav were present beneath Yadav Lodge at Ghansaur. It is alleged that during the said meeting, the present petitioner approached them and introduced himself as a journalist associated with “Pradesh Today” newspaper. The complainant has alleged that the petitioner informed them that a memorial dedicated to late Babulal Gaur, former Chief Minister of Madhya Pradesh, was under construction adjacent to the Revenue Inspector’s office on the main road at Ghansaur under the MPLAD Scheme, and that the said construction was allegedly illegal.

4 . According to the F.I.R., the petitioner asserted that the construction was being carried out on “Gauthan” (village common land) without necessary land-use conversion and without obtaining requisite permission from the Gram Panchayat as required under the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act). The gravamen of the allegation is that the petitioner demanded an amount of Rs.10,000/- from the complainant, allegedly stating that in case the amount was not paid, he would publish adverse news regarding the construction and the involvement of the complainant and other persons. It is further alleged that upon refusal by the complainant to pay the said amount, the petitioner became agitated and subsequently, on 22.07.2023, published a news article in “Pradesh Today” containing photographs of certain office bearers of the Gondwana Ganatantra Party and alleging irregularities in the construction of the memorial. The complainant has alleged that the said publication was false, fabricated and defamatory, and was issued with an intention to pressurize and malign him.



5. On the basis of the aforesaid allegations, Crime No. 266/2023 was registered against the petitioner for offences under Sections 384 and 420 of the Indian Penal Code. After investigation, charge-sheet came to be filed on 29.08.2023 before the competent Court. Aggrieved by registration of the F.I.R., filing of the charge-sheet and continuation of criminal proceedings, the petitioner has invoked the inherent jurisdiction of this Court seeking quashment of the same.

6. Learned counsel for the petitioner submits that the F.I.R. was registered on 05.08.2023 on the basis of a complaint dated 29.07.2023 concerning an alleged incident dated 18.07.2023, and the delay remains unexplained. The petitioner is an accredited journalist and Bureau Chief of “Pradesh Today” at Ghansaur since 2018 and has been discharging his professional duties diligently. He argued that on 19.07.2023, the Block Unit of the Gondwana Ganatantra Party submitted a memorandum before the District Collector, Seoni raising objections to the construction of a memorial dedicated to late Babulal Gaur on alleged Gauthan land without compliance of statutory requirements under the PESA Act and on 22.07.2023, the petitioner merely reported the contents of the said memorandum in discharge of his journalistic duties. That no ingredient of Section 384 and 420 IPC is made out, as there is no allegation of extortion and deception or fraudulent inducement from the inception. He further argued that the dispute has been given a criminal colour to stifle fair reporting. He prays to allow the petition.

7. Learned Govt. Advocate for the State opposes the petition and submits that specific allegations have been made in the F.I.R. that the



petitioner demanded Rs. 10,000/- from the complainant threatening publication of adverse news. He submits that witnesses named in the complaint have supported the version of demand of money. It is further submitted that prima facie material exists disclosing commission of cognizable offences and the matter requires trial.

8. Heard the submissions and perused the material available on record.

9. On careful reading of Section 420 of Indian Penal Code, it requires the following essential ingredients:

1. Deception of any person;
2. Fraudulent or dishonest inducement;
3. Delivery of property pursuant to such inducement; and
4. Dishonest intention existing at the inception of the transaction.

10. In the present case, even if the entire allegations in the F.I.R. are taken at their face value, the gravamen of the accusation is that the petitioner demanded money threatening publication of news. There is no allegation that the complainant was deceived by any false representation, nor that any property was delivered pursuant to such deception. The foundation of cheating is deception, whereas the allegation here pertains to demand of money by alleged threat. Even if the allegations are accepted in toto, the same do not satisfy the essential ingredients of Section 420 IPC.

11. Accordingly, continuation of proceedings under Section 420 IPC would amount to abuse of the process of Court.

12. As far as applicability of Section 383 of Indian Penal Code is



concerned , it defines extortion as intentionally putting a person in fear of injury and thereby dishonestly inducing the person to deliver property. The essential ingredients are:

1. Intentionally putting a person in fear of injury including injury to reputation;
2. Dishonest inducement;
3. Delivery of property or valuable security.

13. In the present case, the specific allegation is that the petitioner demanded Rs.10,000/- threatening publication of news adversely affecting the complainant's reputation. Injury to reputation squarely falls within the meaning of "injury" under IPC.

14. At this stage, the Court is not required to evaluate the truthfulness of allegations. The statements recorded during investigation prima facie disclose demand of money coupled with threat of publication. Whether the demand was made or whether it was a false implication are matters of evidence to be tested at trial. Therefore, prima facie ingredients of Section 384 IPC cannot be said to be absent and thus, same shall be continued.

15. Before parting, this Court deems it appropriate to observe that journalism is a noble profession and forms one of the foundational pillars of democracy. A journalist acts as a watchdog of society and performs the vital function of disseminating information concerning matters of public interest. Reporting on issues relating to public land, statutory compliance, and governmental actions falls within the legitimate domain of journalistic



inquiry.

16. However, the shield of press freedom cannot be permitted to become a weapon for extracting unlawful gain. If a journalist, instead of reporting facts in public interest, seeks to leverage publication for personal enrichment by demanding illegal gratification, such conduct would erode public trust in the institution of media and cannot claim protection under the garb of professional duty. Courts must guard against criminal proceedings being used to silence honest reporting; at the same time, the cloak of journalism cannot shield acts that prima facie constitute extortion.

17. In view of the aforesaid analysis:

1. Proceedings in Crime No. 266/2023, insofar as they relate to the offence under Section 420 of the Indian Penal Code, are hereby quashed.

2. Proceedings in respect of offence under Section 384 IPC shall continue in accordance with law.

18. The petition is partly **allowed** to the extent indicated above. Needless to say, the learned trial Court shall proceed with the case without being influenced from any observation made by this Court.

(HIMANSHU JOSHI)
JUDGE

Jasleen