

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 20585 of 2010 (O&M)
Date of decision : February 24, 2015

Subhash Chander,

..... Petitioner

v.

State of Punjab and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. BS Jaswal, Advocate
for the petitioner.

Mr. APS Gill, AAG Punjab

Mr. Ramneek Vasudeva, Advocate
for respondent No.2.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This petition has been filed for quashing of Complaint No.114, dated 7.6.2006, filed under Sections 3, 4 and 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 323, 324, 447, 149 of the IPC. As per allegations in the complaint, the petitioner along with his co-accused tried to dispossess the complainant/respondent No.2, abused him and his wife by caste name, and caused them injuries.

It is not disputed that the other co-accused had approached this Court by filing CRM No.43088 M of 2007 and vide order dated 22.01.2010,

the instant criminal complaint qua the co-accused was quashed on merits. It is also not disputed that against the order dated 22.01.2010, the complainant had gone upto the Hon'ble Supreme Court and there also he did not get any success.

Counsel for the petitioner has argued that once allegations against all the accused are similar, and the complaint has been quashed on merits qua six of the accused, a different standard cannot be applied for 7th person who is the present petitioner.

Counsel for the State of Punjab, as well as counsel for the complainant/respondent No.2 have not been able to dispute the factual assertion made above.

In the circumstances, this petition is allowed and Complaint No.114, dated 7.6.2006, filed under Sections 3, 4 and 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 323, 324, 447, 149 of the IPC is quashed.

February 24, 2015
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(AJAY TEWARI)
JUDGE