

**237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No.M-22118 of 2014

Date of Decision: February 12, 2015

Parmjot Singh Swatch

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Arshdeep S. Kler, Deputy Advocate General, Punjab.

Mr. Naresh G. Sharma, 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?

Kuldip Singh J.(Oral)

Petitioner Parmjot Singh Swatch, who is stated to be working as Food Safety Scientist with University of Guelph, Ontario, Canada, has filed this petition under Section 482 of the Criminal Procedure Code, 1973 for the quashing of FIR No.90, dated 20.04.2014, under Sections 323, 341, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'SC and ST Act') and under Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Samrala, District Khanna, along with all the consequential proceedings arising therefrom.

Learned counsel for the petitioner has stated that the petitioner had come to India on 08.02.2014 for the purpose of supporting 'Aam Aadmi' party and its candidates in Punjab. He has further alleged that the candidates, who were supporting the ruling party apprehended that the political momentum, which had been garnered in favour of 'Aam Aadmi' party, may not damage their cause, leading to their electoral defeat. Resultantly, campaign was unleashed against the active supporters of 'Aam Aadmi' party.

Learned counsel for the petitioner has further stated that the petitioner immigrated to Canada as skilled worker in the year 2004 and after that did M.Sc. in Food Safety and Quality Assurance from University of Guelph, Ontario, Canada, in the year 2008 and is residing in Canada since then.

A perusal of the FIR shows that the allegations have been levelled by Parkash Singh, Sarpanch of Gram Panchayat Bagli Kalan that he is scheduled caste and that on 24.04.2014, the present petitioner despite election code, was making water course on a panchayati public property without any approval. It is further alleged that on this the present petitioner got angry and held the complainant from his neck and started beating him with fists and hands and said the following words:

"kuteya chamara, I will tell you that how can you stop me, the NRI; I keep making sit the chamars like you on the floor, tu

vadda sarpanch baneya phirda hain. I have reached upto the top level and being an NRI I have direct links with the ministers. These ministers lives with me only when they visit Canada and he also kept on hitting me with his legs”.

The police registered the FIR in question. The petitioner was arrested on 24.04.2014 and challan was presented in the Court on 08.05.2015 and now the evidence is being recorded before the trial court. It is also stated that out of eleven witnesses, eight have been examined.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Before this Court, it is not disputed that the petitioner is an NRI and that complainant Sarpanch Parkash Singh belongs to 'Akali Dal'. It is also not disputed that on 07.05.2014, there were elections for Lok Sabha in Punjab.

The plea of the petitioner is that he is a supporter of 'Aam Aadmi' party and has come to India for campaigning of the said party and the present FIR is the result of political vendetta.

A perusal of the MLR shows that the complainant got himself medico-legally examined two days later i.e. 26.04.2014, wherein one contusion on the back and complain of pain on back and neck was found. The duration of injury is not given in the MLR. Injury No.1 could be self inflicted. The petitioner was an NRI and working on a respectable post in Canada. Such type of allegations of political

vendetta are usually levelled during the elections.

A perusal of the FIR shows that the petitioner was digging drain in front of his house, on which the Panchayat intervened. It is improbable that a respectable person coming from Canada will take the law in his hands and use the abusive language to the Sarpanch of the village. The unusual conduct of the police in completing the investigation of the case and presented the challan within fifteen days and that the fact that the petitioner was arrested on the same day regarding the offence of simple hurt and under the SC & SC Act, goes to show that it is most likely to be the case of political vendetta. The registration of such false case shatters the image of the country at international level. Therefore, the interest of justice requires that the proceedings of the present case should be quashed.

In view of the matter, the present petition is allowed. The FIR in question along with all the consequential proceedings stand quashed.

February 12, 2015
sarita

(KULDIP SINGH)
JUDGE