

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

**Criminal Revision No. 3608 of 2015
Date of Decision: 28.9.2015**

Satya Pal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Saurabh Arora, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 4.8.2015 passed by the learned Additional Sessions Judge, Gurgaon, whereby charge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, (' the Act' for short) was declined to be framed against the accused, present criminal revision has been filed by the complainant.

Learned counsel for the petitioner submits that the learned trial court proceeded on a misconceived approach, while not framing charge under the Act. He further submits that during the course of investigation, the said offence was specifically added on the basis of representation moved by the petitioner and accordingly, the challan

was presented. However, the learned trial court failed to appreciate this aspect of the matter, while passing the impugned order. He prays for setting aside the impugned order, by allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case, particularly the impugned order, and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that learned trial committed no error of law, while passing the impugned order and the same deserves to be upheld. To say so, reasons are more than one, which are being recorded hereinafter.

A bare reading of the FIR would show that there was not even a passing reference regarding any of the offences under the Act. It is also a matter of record that petitioner himself was the author of FIR and he did not level any kind of allegations under the Act. However, at a later point of time, petitioner had a second thought and tried to make material improvements in his initial complaint. Once the petitioner himself was the complainant and he did not allege any offence against the accused under the Act, while lodging FIR, learned trial court was fully justified on facts as well as in law, while passing the impugned order and the same deserves to be upheld, for this reason as well.

It is not even argued case on behalf of the petitioner that petitioner leveled any allegation against the accused under the Act in the FIR. It is also not his case that he came to know about the availability of offence under the Act at a later point of time. In fact, petitioner himself was the author of FIR and he was well aware that

there was no such offence committed by the accused. Under these circumstances, it can be safely concluded that petitioner has not proceeded on a bonafide approach. The story putforth by the petitioner, at a later point of time, was totally a concocted one and based on an afterthought, because of which the impugned order has not been found to be suffering from any patent illegality or perversity and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present criminal revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present criminal revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

28.9.2015
Ak Sharma