

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-15183 of 2016(O&M)****Date of Decision: May 04, 2016**

Ram Kumar

...Petitioner

VERSUS

Pyare Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mohit Garg, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents Pyare Lal, Ramjas and Phuli Devi for quashing of the impugned order dated 20.07.2015 passed by learned Judicial Magistrate Ist Class, Fatehabad and judgment dated 16.02.2016 passed by learned Addl. Sessions Judge-1, Fatehabad dismissing the revision, whereby learned Courts below have erred in discharging the respondents/accused persons of the allegations levelled against them.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Ram Kumar filed a complaint against Praye Lal, Ramjas and Phuli Devi under Section 3(1) (vii) (ix) of the SC & ST Act and Sections 499, 500 and 82 IPC. As per the

complainant's case, he has filed a complaint under SC & ST Act against Atma Ram, Desraj, Radhey Shyam and Sajjan Singh, who are co-villagers of the complainant, to National Commissioner for Scheduled Caste, New Delhi and other officers. The investigation of that case was got conducted by Sh.Shamsher Singh Dahiya, DSP. The accused were joined in the investigation and they in collusion with Atma Ram etc., have given false affidavits by appearing in front of the investigating authority and these false affidavits have been given intentionally to lower down the image of the complainant and to mentally harass him whereas accused persons are fully aware that the complainant belongs to scheduled caste. It is further stated that on the basis of false affidavits and wrong information by the accused persons, complaint against Atma Ram etc. was dismissed. It is further stated that because of false information and wrong affidavits and false statement, the complainant has suffered huge mental and social damage. The accused persons have specifically stated in their wrong statements that Ram Kumar, Pehlad Singh and Hardial are in habit of making false complaints against the villagers and create hurdles without any basis in Government and public works.

After the perusal of the complaint itself, I find that there is no allegation against Pyare Lal, Ramjas and Phuli Devi regarding defamation. There is no mention as to what statements and what affidavits they have given before the Investigating Officer. No wording has been given in the whole complaint from which it can be held that whether it is defamatory or not. Otherwise also, the present accused

are not named in the body of the complaint. There is nothing that what remarks they have passed during their statements in the inquiry. The complaint filed by the complainant against Atma Ram etc., as per complainant's version, has already been dismissed.

Keeping in view the above discussion, I find that order and judgment passed by the Courts below are correct, as per law. In no way, it can be held that any illegality has been committed or the order and judgment passed by the Courts below, amount to miscarriage of justice.

Therefore, finding no merit in the present petition, the same dismissed.

May 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE