

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

CRM M-22364 of 2014

Date of decision : 25.04.2016

Pal Singh

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. C.B. Goel, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

Mr. Ajit Sihag, Advocate for the complainant.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 355 dated 26.10.2012 registered under sections 420, 467 & 120-B IPC at police station Pehowa, and all other consequential proceedings arising therefrom.

Learned counsel for the petitioner contends that petitioner was suitable candidate for appointment as Sarpanch as he belonged to schedule caste category, being a khatik. He submits that instant FIR was registered prior to cancellation of schedule caste certificate of the petitioner. From the perusal of FIR, no offence is made out. According to him, respondent had alternative remedy of preferring an election petition but he did not avail of same. Thus, FIR deserves to be quashed.

Learned State counsel has opposed the prayer. According to him, challan has already been presented before the competent court. He submits that post of Sarpanch of Gram

Panchayat, Garhi Langir was reserved for scheduled caste. However, on an enquiry being conducted by Tehsildar, petitioner was found to be belonging to Lohar caste which comes in the category of backward class.

I have heard learned counsel for the parties.

Election to the post of Sarpanch reserved for scheduled caste category of Gram Panchayat Garhi Langri was held in the year 2010. Petitioner, who belonged to scheduled caste being a Khatik, filed his nomination for the said post alongwith other candidates. After following due process, petitioner was declared elected as Sarpanch by a margin of seventy eight votes. However, shortly thereafter a complaint was made to Deputy Commissioner, Kurukshetra for cancellation of scheduled caste certificate issued to petitioner. Matter was entrusted to Tehsildar, Pehowa who after conducting the enquiry, submitted report dated 21.08.2012 recommending cancellation of scheduled caste certificate issued to petitioner. Thereafter, a show cause notice was issued to petitioner. He submitted his reply to the said notice. After considering the same, Deputy Commissioner passed order dated 29.01.2013 for cancellation of scheduled caste certificate issued to petitioner and also ordered registration of instant FIR under sections 420, 467 & 120-B IPC. I find no ground to interfere in inherent jurisdiction of this court. FIR was registered on the basis of complaint made by BDPO, Pehowa. Petitioner got a scheduled caste certificate issued by making false representation that he belonged to Khatik caste. He contested the election on this basis and was elected as Sarpanch. On enquiry it was found that petitioner actually belonged to Lohar caste which was a backward class. All

the pleas raised by the petitioner can be appreciated only after evidence is led before the court below. Petition is without any merit and is hereby dismissed.

April 25, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Referred to the Reporter? (Yes)