

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

(120)

CRM-M-23277-2016

Decided on: August 26, 2016.

Usha Rani

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The petitioner has lodged an FIR under Section 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 427, 506 IPC against Parshant Singh.

On investigation, the police opted to file cancellation report. The petitioner filed a protest petition. The said protest petition was treated as a complaint. The complainant-petitioner was permitted to produce witnesses. Kartar Singh and Banarsi Dass, neighbours of the petitioner, were examined as CW-1 and CW-2. The learned Chief Judicial Magistrate, Pathankot has considered the complaint and opted to dismiss the protest petition by accepting the cancellation report. A revision petition filed by the petitioner, was also dismissed.

Learned counsel for the petitioner submits that there is overwhelming evidence produced by the petitioner indicating that the offence under Section 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been committed by the private respondent.

With the assistance of learned counsel for the petitioner, I have gone through the record. It transpires that two neighbours who were examined in the protest petition, were not referred to in the cancellation report which was presented by the police. Besides this, from the impugned order, it transpires that no attempt was made by the petitioner-complainant to establish by any document that she belonged to scheduled caste.

In view of above circumstances, I do not find any ground to interfere in the order passed by the Courts below opting to accept the protest petition filed by the police.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

August 26, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No