

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-2463-2016 (O&M)

Date of decision: February 12, 2016

Darshan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ajay Pal Singh, Advocate for the petitioner.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 25.8.2014, passed by Sub Divisional Judicial Magistrate, Sunam, whereby petitioner has been summoned to face trial on application moved by complainant under section 190 (1) Cr.P.C. as well as order dated 29.10.2015, passed by Addl. Sessions Judge, Sangrur dismissing the revision petition filed against the said order.

Learned counsel for the petitioner has assailed the order. According to him, the trial court has wrongly summoned the petitioner to face trial, as petitioner was neither named in the FIR nor in report under section 173 Cr.P.C. He submits that petitioner had neither any role during the whole selection process of Anganwari Workers nor signed any document. Thus, impugned orders need to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

A complaint was moved by Kiranjit Kaur wife of Kaka Singh to the Senior Superintendent of Police, Sangrur on 23.04.2013 stating therein that on account of conspiracy of Kamaljit Kaur with Anita Kapoor Child Development Project Officer (hereinafter referred to as "CDPO") and others, said Kamaljit Kaur was selected as Anganwari Worker on the basis of forged and fabricated documents, ignoring the complainant despite the fact that she was eligible for the said post. On the said complaint, an enquiry was conducted by Dy. Superintendent of Police, Sub Division, Sunam and on the basis of his report, FIR No.116 dated 11.07.2013 was registered under sections 420, 465, 467, 468, 471, 120-B, 218 IPC against accused Anita Kapoor, Kamaljit Kaur and Sunita Devi. On completion of investigation, challan was submitted against Kamaljit Kaur only, whereas Anita Kapoor and Sunita Devi were declared to be innocent and were kept in column No.2 in report under section 173 Cr.P.C. Thereafter, complainant moved an application for proceeding further against Anita Kapoor etc. The trial court in its order observed that Darshan Singh (petitioner herein) in his statement made before the police had admitted that he remained posted as clerk in the office of CDPO, Sunam at the relevant time and the record relating to selection of Anganwari Workers and Anganwari Helpers remained in his possession till his transfer in the month of March, 2010. Therefore, keeping in view his involvement, he was summoned to face trial under sections 420, 465, 467, 468, 471, 120-B IPC alongwith Anita Kapoor and Sunita Devi, vide order dated 25.8.2014. Petitioner and his co-accused filed revision petitions against the said order, which were dismissed by Additional

Sessions Judge, Sangrur vide order dated 29.10.2015.

I find no infirmity with the orders. It is apparent that trial is at its initial stage. The petitioner alongwith co-accused allegedly played active role in the selection of Anganwari workers. Thus, finding a prima facie case, trial court has rightly summoned the petitioner and co-accused to face trial and I find no illegality or irregularity in the orders passed by the courts below. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 12, 2016
'Rajpal'