

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25768-2015 (O&M)
Date of decision: 09.02.2016

Chhotu Ram

.....Petitioner

versus

State of Haryana

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Naresh Singh Shekhawat, Advocate for the petitioner
Ms.Supriya Arora, AAG Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Chhotu Ram petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.430 dated 24.7.2015 under Sections 186, 332, 353, 506 IPC registered at Police Station City Jagadhri, District Yamuna Nagar (Annexure P1) along with all the consequential proceedings.

I have heard learned counsel for the parties and have carefully gone through the file.

Perusal of FIR shows that on 22.7.2017 at 11.00 AM, the Executive Officer of Municipal Corporation, Yamuna Nagar -Jagadhri along with Duty Magistrate, Block Development and Panchayat Officer and sufficient police force went for removal of tin shed alleged to be illegally installed by the tenants of the shops of Municipal

Corporation at Old Tehsil Jagadhri. Relevant extract from the act done at the spot is reproduced as under:-

“At the spot, the work of removal of aforesaid unauthorized and illegal possession was done peacefully. But when the aforesaid illegal construction was being removed, at that time Sh.Chhotu Ram, tenant of the shop had abused, threatened to kill and threatened to cause harm to the job of Sh.Narender Kumar Clerk, employee of Municipal Corporation.”

The present FIR was registered on 24.7.2015. The perusal of the FIR shows that the removal work was done peacefully but it is alleged that Chhotu Ram had abused and threatened to kill and also threaten to cause harm to the job of Narender Kumar, Clerk who is an employee of the Municipal Corporation for which, the petitioner has been charged. Sections 186 and 353 IPC are reproduced as under:-

“186. Obstructing public servant in discharge of public functions. *Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.*

353. Assault or criminal force to deter public servant from discharge of his duty. *Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either*

description for a term which may extend to two years, or with fine, or with both.”

It goes to show that there must be some obstruction to the public servant while discharging his official duties. In this case there was no obstruction.

Learned counsel for the petitioner has pointed out that the Court of learned Additional District Judge, Jagadhri vide order dated 23.1.2015 had directed the respondent to maintain status quo regarding existing state of affairs over the suit property. The said order was continuing. Chhotu Ram is stated to have abused and threatened to kill and cause harm to the job of Narender Kumar Clerk. FIR shows that there was some verbal altercation but so far as work of removal of tin shed is concerned same was done without any obstruction caused by Chhotu Ram. The removal work was done despite status quo order of the Court. Therefore, Chhotu Ram has a right to raise objection to the same.

In these circumstances, I am of view that offences under Section 186, 332, 353, 506 IPC are not attracted in the present case.

The present FIR is nothing but misuse of process of the law. Accordingly, FIR No.430 dated 24.7.2015 under Sections 186, 332, 353, 506 IPC registered at Police Station City Jagadhri, District Yamuna Nagar (Annexure P1) along with the consequential proceedings stands quashed.

The petition stands allowed.

09.02.2016
gk

(Kuldip Singh)
Judge