

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

CRM-M-39302 of 2015

Date of Decision: July 26, 2016

Sheetal Singh @ Sheeta

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? Yes/No
2. Whether to be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. S.S. Chatrath, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In this petition under Section 482 Cr.P.C. the accused/petitioner Sheetal Singh @ Sheeta has sought quashment of FIR No.19 dated 05.02.2015 under Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 506 IPC pertaining to Police Station, Sadar, Jalandhar and consequent proceedings arising therefrom as well as for quashment of orders, framing of charges dated 9.7.2015 passed by the Court of learned Additional Sessions Judge, Jalandhar.

Upon hearing learned counsel for the petitioner and perusing the records of the case, the present case was got registered on the statement of complainant Manjit Kaur, wherein she levelled allegations against the accused for having publicly disgraced her and her caste with an ulterior motive to demean her regarding which she has also produced before

the Police recorded conversation of the accused. Averments made by the petitioner and the contentions of the learned counsel for the petitioner is based on the plea that the Investigating Officer at the time of lodging of the FIR and so the trial Court at the time of framing of charges have failed to apply their mind that being a private telephonic conversation cannot be taken as a legitimate piece of evidence. It is well established law reference of which can be taken note from **State of Haryana and others vs. Ch. Bhajan Lal and others AIR 1992 S.C. 604** wherein, Hon'ble Apex Court has enumerated the eventualities wherein the inherent powers of this Court under Section 482 Cr.P.C. can be exercised to meet the ends of justice.

Learned counsel for the petitioner could not convince this Court, how the case of the petitioner is covered in those eventualities. Besides this, what grounds have been canvassed or pleaded are matters of pure evidence which can only be appreciated at the time of trial and this Court cannot in exercise of powers under Section 482 Cr.P.C. consider such an evidence as to the wrecking of vengeance by the complainant and as to the very allegations of the malicious prosecution of the petitioner. Thus, the learned trial Court finding prima facie case had framed the charges.

In the light of the same, the present petition stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

July 26, 2016
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