

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

**CRM No.M-945 of 2015 (O&M)  
Date of Decision: December 05, 2016**

B.M.Saxena

...Petitioner

VERSUS

Budh Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Kunal Dawar, Advote  
for the petitioner.

Mr.S.K.Yadav, Advocate  
for respondent No.1.

Mr.Vikramjit Singh, Addl. Advocate General, Haryana  
for the respondent-State.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents Budh Singh and State of Haryana, for quashing of criminal complaint No.921 dated 21.11.2012/1.11.2013 titled as “Budh Singh vs. B.M.Saxena” under Sections 323 and 506 IPC and Section 3 of the SC/ST Act, pending in the Court of learned JMIC, Faridabad along with all subsequent proceedings arising therefrom including the summoning order dated 12.08.2014 and for setting aside the judgment dated 20.12.2014 passed by learned Addl. Sessions Judge, Faridabad, whereby the revision petition filed by the petitioner against the summoning order was dismissed.

Notice of motion was issued and learned counsel for

respondent No.1 as well as learned State counsel appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that criminal complaint has been filed by Budh Singh against B.M.Saxena, Manager, Government Press under Sections 323, 506 and Section 3 of the SC/ST Act. It is mainly stated in the complaint that complainant works in Indian Government Press, Faridabad and he is a member of Works Committee in Press, which is Government elected body and he is posted at Unit where there is a problem regarding water for drinking and washrooms from about two months, regarding which, he along with other associates, has gone to B.M. Saxena, Manager, who refused to meet them. On the same day, complainant and his other associates had gone to meet with the Manager, where B.M.Saxena was sitting on his seat. Complainant explained the problem. In the meanwhile, B.M.Saxena stood up from his seat, pushed the complainant and abused on caste while stating 'Dedh, Chuda Chamar' and also stated that who will keep him (complainant) on the job and threatened to kill him and pushed him out of the office. It is also in the complaint that on 24.08.2012, when complainant had gone to Government Press, NIT Faridabad for his duty, then the security man handed over a notice to him that he is not required to come on duty. On the basis of this application and preliminary evidence, learned JMIC, Faridabad, summoned the accused under Sections 323, 506 IPC and Section 3 of the SC/ST Act. A revision was filed against that summoning order by the present petitioner before Sessions Court, which

dated 20.12.2014.

Aggrieved from the above-said summoning order and judgment, present petition has been filed.

The perusal of the record shows that earlier also in the same complaint, learned Magistrate summoned the accused, which order was quashed by the Sessions Court in the revision petition filed by the petitioner vide judgment dated 10.12.2013 and the matter was remanded back. Judgment dated 10.12.2013 was challenged by the complainant before this Court and this Court vide order dated 07.05.2014, upheld the judgment passed by the Sessions Court. Now, again learned Magistrate has summoned the accused-petitioner and the Sessions Court has now dismissed the revision petition against the summoning order and present petition has been filed for quashing the summoning order as well as the complaint.

First of all, I find that the petitioner is a senior officer of the respondent-complainant. The complaint itself show that petitioner refused to meet the complainant as well as his associates. There is nothing that second time, the complainant and his associates entered the office of the petitioner after seeking permission. Secondly, it is clear that present petitioner is a senior officer and is public servant. No sanction under Section 197 Cr.P.C. has been taken before filing the complaint. In the present case, only push has been alleged and it is stated that complainant side was ordered to get out from the office. Even the wording stated in the complaint shows that only 'dedh, chuhra, chamar' has been written, is not complete line. What conversation took place and what he has stated, has not been mentioned.

From the record, it looks that the complainant along with his

associates, forcibly entered into the office of the petitioner and they were directed to get out or ordered to be taken out from the office.

Keeping in view the above facts, I find that present complaint has been filed only to overawe the senior officer, to harass him and to put pressure upon him and filing of present complaint is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is allowed. Criminal complaint No.921 dated 21.11.2012/1.11.2013 titled as “Budh Singh vs. B.M.Saxena” under Sections 323 and 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and all the subsequent proceedings arising therefrom are hereby quashed.

**December 05, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**