

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

CRM-M-1304-2017

Date of decision-15.03.2017

Savita Dahiya

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Raj Kumar Narang, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

By way of present petition under Section 482 of the Code of Criminal Procedure, the petitioner has sought quashing of FIR No.555 dated 09.08.2016 (Annexure P-1) registered under Section 3 of the Scheduled Caste and the Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short 'the Act') and Section 186 and 189 of Indian Penal Code at Police Station Sector-5, Gurgaon and also to set aside the impugned order dated 22.12.2016 (Annexure P-2) passed by Special Judge, Gurgaon whereby the petitioner was charged for offence under Section 189 of Indian Penal Code (in short 'IPC') and Section 3 of 'the Act'.

Reply by way of affidavit of Rajeev Kumar, HPS Assistant Commissioner of Police, City Gurugram on behalf of respondent No.1/State has been filed and the same is taken on record.

Learned counsel for the petitioner submits that complainant/respondent No.2 LCT Ritu Bala was deputed as protection officer to the petitioner, two months prior to the date of the present FIR. He contends that the complainant remained absent from duty and was negligent

enough to leave her loaded gun lying around the house. In this regard, the petitioner had written an e-mail to the police authorities on 08.08.2016 and contends that the present FIR is a counter blast to the complaint made by her. He further contends that the allegations levelled in the FIR are baseless, false and frivolous and prays for quashing of the FIR.

On the other hand, learned State counsel refers to the reply filed on behalf of respondent No.1/State to contend that the matter was duly investigated and the allegations were fully substantiated during the course of investigation. He prays for dismissal of the petition. The preliminary submission made on behalf of the State read as under:-

“The Lady Constable Ritu Bala No.3182/GGN i.e. respondent No.2 was deputed as protection officer with the petitioner. She submitted her complaint to the SHO Police Station Sector-5 Gurugram that the petitioner misbehaved with her by using caste related words as the respondent No.2 relates to SC by caste and threatening of getting her suspended from her job and compelled her to do the petitioner domestic works and many occasions the petitioner used caste related words on the public places also and suddenly started saying that I do not want 'Chuhdi Chamari' ugly constable like you and get out from the petitioner home. As such the case FIR No.555 dated 09.08.2016 under Section 3, 33, 89 SC/ST Act and 186, 189 IPC was registered at Police Station Sector 5 Gurugram against the petitioner on the complaint of respondent No.2. The investigation of the case was conducted by Sh.Kishori Lal, HPS, the then Assistant Commissioner of Police, City Gurugram. The allegations were fully substantiated during the course of investigation. The petitioner arrested on 10.08.2016 and produced before the Ld.Court of Illaqa Magistrate Gurugram on the same day when she was sent to judicial custody by the Ld.Court.After completion of investigation the report under Section 173 Cr.P.C has been submitted in the Court of Ld.Illaqa Magistrate Gurugram on 07.11.2016. Now the trial of the case is pending in the Ld.Court of Sh.Balwant Singh, Additional Sessions Judge, Gurugram

and fixed on 17.03.2017 for prosecution witnesses. The charge under Section 189 IPC and 3, 33, 89 SC/ST Act has been framed by the Ld.Trial court vide orders dated 22.12.2016 upon the petitioner after going through the record of the case. Out of 8 prosecution witnesses 3 prosecution witnesses have been examined by the Ld.Trial Court. The trial will take its own course.”

I have heard the learned counsel for the parties and perused the case file.

As per record, the petitioner allegedly misbehaved with the complainant/respondent No.2 who had been deputed as protection officer. At this stage, prima facie it emerges that the petitioner intentionally insulted, intimidated and used caste related derogatory words and directed her to do household helps.

Considering that there are specific allegations and the fact that the challan on the basis of the investigation has already been filed, no case for quashing is made out.

The petition stands dismissed.

Anything said hereinabove shall not be construed as an expression on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

March 15, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No