

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

CRM No.M-13903 of 2015 (O&M)

Date of Decision: March 08, 2017

Krishna Devi

...Petitioner

VERSUS

Mangat Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Nidhi, Advocate
for the petitioner.

Mr.J.S.Cooner, Advocate
for the respondent.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 12.07.2012 passed by learned Judicial Magistrate Ist Class, Ambala, whereby the complaint filed by the petitioner was dismissed and also the judgment dated 26.08.2014 passed by learned Addl. Sessions Judge, Ambala, vide which the revision filed by the petitioner was also dismissed.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition.

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

From the record, I find that a complaint was filed by Krishna

500, 504 and 506 IPC. The brief averments of the complaint as noted down in the order passed by learned JMIC, Ambala, are as under:-

2. It was stated by the complainant that she is the Panch of Village Matheri Jattan and her husband had applied for the post of Namberdar. However, one Darshan Singh was declared as Namberdar who is the relative of the accused. The appeal was filed and then husband of the complainant was appointed as Namberdar. In pursuance of that decision, an application was moved to the Office of Deputy Commissioner to the effect that Naseeb Singh be given Sanad and Darshan Singh be directed to deposit Identity Card. Notice was issued to Darshan Singh but he failed to return the identity card. On several occasions, the husband of the complainant used to visit the DC Office, but all in vain. Finally, on 12.8.2008, when the complainant reached the office of Deputy Commissioner and inquired about the case from the accused, he uttered these obscene words" SALI KUTTI GO AWAY FROM THE OFFICE OTHERWISE SHE WILL BE SLAPPED BY HIM, HOW SHE DARED ENTERING THE OFFICE" and pushed her out of the office. The matter was reported to higher authorities but no action was taken. Hence the present complaint."

The complainant examined herself as CW-1, Naseeb Singh as CW-2, Fakir Chand as CW-3 and thereafter, complainant examined Meenu Sharma, Clerk of DC Office as CW-4.

After hearing learned counsel for the complainant, learned JMIC, Ambala, dismissed the complaint. A revision was filed by the complainant-petitioner and learned Addl. Sessions Judge, Ambala, dismissed the same vide judgment dated 26.08.2014.

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

From the record, I find that the complaint has been filed against Mangat Ram, Reader and the attribution to him is that he has uttered some obscene words against the complainant while discharging his official duty.

The perusal of the record shows that no sanction under Section 197 Cr.P.C.

has been obtained from the Government. The purpose of obtaining the sanction from the government is to give an opportunity to enquire into the matter by the competent authority to find out whether the official has committed any offence or not or whether false allegations have been levelled to implicate him being aggrieved from some official act etc. In the present case, no such sanction has been obtained from the Government and the complaint without sanction under Section 197 Cr.P.C. cannot be filed.

Secondly, I have gone through the order and judgment passed by the Courts below. In no way, these order and judgment can be held as perverse or against the evidence or law. Learned trial Court from the evidence held that there was no intention of the accused to use these words. Using these words cannot be held as defamation. It is further held that Section 506 IPC is not attracted and Section 504 IPC is also not made out as it cannot be said that accused intentionally insulted and thereby caused provocation to the accused, intending or knowing it to be likely that such provocation will cause her to break the public peace or to commit any other offence.

In view of the above discussion, I find that the impugned order and judgment passed by learned the Courts below, are correct and as per evidence and law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

March 08, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No