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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 4984 of 2016 (O&M)
Date of Decision: 27.10.2017

V.S. Garg and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. H.L. Tikku, Senior Advocate, with
Mr. Sumeet Goel, Advocate, and
Mr. Yashmeet Kaur, Advocate,
for the petitioners.

Mr. Luvinder Sofat, A.A.G., Punjab,
for respondent No. 1.

None for respondent No. 2.

SUDIP AHLUWALIA, J. (ORAL)

The petitioners in the present petition seek quashing of F.I.R. No. 206, dated 19.12.2013, under Section 295-A of the Indian Penal Code, registered at Police Station Division 4 Jullunder, Punjab, and the criminal proceedings arising therefrom.

2. The petitioners happen to be the consultants/resource persons, Associated Council for Educational and Professional Services. The Council had published a book in General Knowledge for students of Class 8th, in

which allegedly derogatory statements were made, which in turn were alleged to be part of planned conspiracy to denigrate the Leader as well as history of the Valmiki community. The text of the F.I.R. lodged is set out as under:-

“Sir, it is requested that we all the Members of Bhagwan Valmik Sena Punjab wish to bring to your kind notice that the management of APJ School has published a para in chapter II, in “Indian Laureates” Page 10 of Class 8 regarding holy image of Bhagwan Valmik Ji in which they have mentioned that “Ratankar is said to have been a a hunter and a robber before he became a sage and a poet. What is he better known to us as? And publishers have published the answer of this question at the end of this book as “Valmiki”. We wish to request that a wrong knowledge is being given to the young generation which is serious offence. It has hurt the feelings of Valmik Community and the publisher, management committee, writer have challenged the community by fabricating the history of Valmik Community through a planned conspiracy. The information given tot eh students during their childhood keeps an impression on their minds for the whole life and it is very difficult to change the same, due to which the differences are created in the society and a large number of tense situations are creating in the future. So, you are requested by our community to take legal action against these anti social elements for hurting the feelings of religion sentiments, fabrication with history, challenging the Valmik Community and providing wrong education to innocent students regarding the history of Bhagwan Valmik and these books be discontinued with immediate effect. We will be thankful

to you.”

3. It is, therefore, seen that the grievance of the complainant/respondent No. 2 was specifically to the question in which the sage Valmiki was said to have been “a hunter and a robber before he became a sage”, which according to the complainant/respondent No. 2 was a motivated opinion given to students during their childhood to form an adverse impression on their minds, which could lead to several tense situations in future.

4. Ld. Senior Counsel for the petitioners has drawn attention of the Court to the decision of a Co-ordinate Bench in a group case, involving as many as ten F.I.Rs., the lead case being CRM-M No. 20543 of 2009, which was decided on 24.09.2014. The allegations made in those F.I.Rs., on the basis of which proceedings under Sections 153-A, 295-A and 120-B of the Indian Penal Code as well as Section 3 (1)(x) of the S.C. and S.T. Prevention of Atrocities Act, 1989, were virtually identical to those in the present F.I.R., as can be seen from the narration of facts recorded in the aforesaid judgment of the Co-ordinate Bench:-

“The allegations against all the petitioners are that they are Publishers/Principals/Teachers in Schools and they have been accused of publishing, writing and teaching articles deprecatory to Maharishi Balmiki. The common thread running through all the articles is the reference that before he renounced the world, Maharishi Balmiki was a robber. The allusion is to the transcendence which a human being is capable of. In some cases, the fable of his transformation has been mentioned. It has been written that he was in process of robbing a person who told him that even

though he was robbing to give sustenance of his family, they would not be a part of his ill deeds. Maharishi balmiki went to his family and asked whether they would share his sins to which they all replied in the negative and transformed him.”

5. The Bench, thereafter, was pleased to question all those aforesaid F.I.Rs. by observing, *inter alia* :-

“On the other hand, learned counsel for the petitioners have relied upon Manzar Sayeed Khan vs State of Maharashtra and another, 2007 (2) RCR (Criminal) 883, wherein the Hon'ble Supreme Court held as follows :-

“15. Section 153A of IPC, as extracted herein above, covers a case where a person by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities or acts prejudicial to the maintenance of harmony or is likely to disturb the public tranquility. The gist of the offence is the intention to promote feelings of enmity or hatred between different classes of people. The intention to cause disorder or incite the people to violence is the sine qua non of the offence under Section 153A of IPC and the prosecution has to prove prima facie the existence of mens rea on the part of the accused. The intention has to be judged primarily by the language of the book and the circumstances in which the book was written and published. The matter complained within the ambit of Section 153A must be read as a whole. One cannot rely on strongly worded and isolated passages for proving the charge nor indeed can one take a sentence here and a sentence there and connect them by a meticulous process of inferential reasoning.”

Ultimately, the Hon'ble Supreme Court quashed the F.I.R.

In my opinion, the decision of the Hon'ble Supreme Court in Manzar Sayeed Khan's case (supra) would be applicable on all fours. Consequently, these

petitions are allowed and all the FIRs are quashed.”

6. The complainant-respondent in his wisdom has chosen not to appear or contest the petition, inspite of service, while Ld. Counsel appearing for the State in all fairness concedes that the present case is squarely covered by the earlier decision relied upon by the petitioners, not only in all ratio, but even in the detailed allegations.

7. This Court is in full agreement with the submission. Continuation of the proceedings on the basis of impugned F.I.R., therefore, would clearly amount to abuse of the process of the Court.

8. The present petition is, therefore, allowed and further proceedings arising out of the present F.I.R. are quashed forthwith.

27.10.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No