

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18688-2013 (O&M)

Date of decision:05.12.2018

Dharam Singh

.....Petitioner

versus

Dr. Malti Batra

....Respondent

CRM-M-1572-2014 (O&M)

Balkrishan

.....Petitioner

versus

Dr. Malti Batra

....Respondent

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Naveen Batra, Advocate for the petitioner(s).

Ms. Malti Batra-respondent-in person.

Kuldeep Singh, J. (Oral)

This order shall dispose of CRM-M-18688-2013 titled as Dharam Singh vs. Dr. Malti Batra and CRM-M-1572-2014 titled as Balkrishan vs. Dr. Malti Batra. For brevity, facts have been taken from CRM-M-18688-2013.

Petitioner(s)-Dharam Singh/accused No.4-Former DEO (SE) and accused No.7 Bal Krishan-Dealing Superintendent, have filed the present petitions i.e CRM-M-18688-2013 and CRM-M-1572-2014, for quashing of Criminal Complaint No.179 of 2011 dated 29.07.2011/30.09.2011 titled as Dr. Miss Malti Batra vs. S.C. Aggarwal and others, pending in the Court of learned Chief Judicial Magistrate, Rupnagar and also the summoning order dated

03.01.2012 (Annexure P-9) vide which, the petitioner(s) has been summoned to face trial under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code.

I have heard learned counsel for the petitioner(s) and respondent-in person and carefully gone through the complaint. Perusal of the complaint shows that petitioner was previously working as District Education Officer (DEO) and her date of birth was wrongly entered as 19.10.1950 instead of 19.11.1955. However, the same was then corrected as 19.11.1955 as per Ex.1 at Page No.3 of the complaint. It is alleged that the complainant had unearthed several scandals worth Rs.157 crore and took the same to logical end. As a result of which, her superiors who are the Chief Secretary, Education Secretary, DPI, DO etc. were annoyed with her. Therefore the accused entered into criminal conspiracy and retired the complainant-respondent compulsorily by not issuing any notice. It is further alleged that Page No.1 of correct date of birth in the service book was torn and replaced with attested copies of the photocopy page with wrong entry of date of birth page. They have committed offence under Section 465, 467, 468, 471 & 120-B of Indian Penal Code.

After examining the preliminary evidence, learned Chief Judicial Magistrate, Rupnagar, vide order dated 03.01.2002 (Annexure P-9), summoned all the seven accused. It comes out that accused Nos.1 to 3, 5 & 6 approached this Court by way of CRM-M-9323-2012, which was decided by a Single Bench of this Court on 22.01.2013 (Annexure P-24), vide which, the complaint against accused Nos.1 to 3 and 5 & 6 was quashed. However, complaint against accused Nos.4 and 7 was to continue. Now, Dharam Singh-accused No.4 and Bal Krishan-accused No.7 approached this Court for grant of similar relief. The perusal of the summoning order shows that during the

preliminary evidence complainant produced a witness namely Labh Singh who stated that he had gone to the office of District Education Officer (DEO) where he saw that Bal Krishan-Senior Assistant was in process of taking away first page of service book from the service book of complainant-Dr. Malti Batra. Bal Krishan proclaimed that he has done this work by removing that page and now Dr. Malti Batra will not be able to re-join the department. The evidence lead before the trial Court shows that the complainant has only one witness namely Labh Singh against Bal Krishan who has seen him removing the said page. However, there is no evidence against Dharam Singh-the then District Education Officer (DEO) that he had that the said act was done by Bal Krishan at his instance or in conspiracy with him. It is merely suspicion of the complainant that she suspect that all of them including District Education Officer (DEO) and several officers conspired in removing the first page from service book.

It being so, Dharam Singh-petitioner stands at the same footing as the remaining accused who were granted relief vide order dated 22.01.2013 by this Court. Accordingly, CRM-M-18688-2013 is allowed and the complaint along with summoning order dated 03.01.2012 (Annexure P-9) qua Dharam Singh-petitioner, is quashed. However, it is made clear that no case is made out for quashing of the complaint against Bal Krishan.

Consequently, CRM-M-1572-2014 qua petitioner-Bal Krishan, is dismissed.

(KULDIP SINGH)
JUDGE

05.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No