

CRM-M-26293 of 2014

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

CRM-M-26293 of 2014
Date of decision: 23.08.2018

Jarnail Singh and another

.....Petitioners

versus

Rajinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Malkiat S. Hundal, Advocate,
for Mr. R.S. Bains, Advocate, for the petitioners.
Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing criminal complaint No.23 dated 25.08.2010 titled as “Rajinder Singh etc. v. Sohan Singh etc.” pending before the learned Judicial Magistrate Ist Class, Dasuya, under Sections 218, 420, 465, 468, 471 and 120-B IPC and summoning order dated 28.01.2014 passed by learned Judicial Magistrate Ist Class, Dasuya.

Briefly, respondents No.1 and 2 filed aforesaid complaint against the petitioners and six other persons, including Girdawar Halqa, Naib Tehsildar and Patwari of Tehsil Dasuya, District Hoshiarpur, on the allegations that they, in conspiracy with each other, to control over the panchayat at any cost, got forged and false certificate of Scheduled Caste category of accused Sohan Lal, who, on the basis of same, contested election and was elected as Sarpanch. In fact, accused Sohan Lal, a Christian by caste, could not be declared as Scheduled Caste candidate.

After recording preliminary evidence, petitioner and one Amrik

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Singh were summoned under Sections 420, 468, 471 and 120-B IPC vide impugned order dated 28.01.2014 by the learned Magistrate.

Learned counsel for the petitioners *inter alia* contends that Sohan Lal (now deceased) had filed a similar petition under Section 482 Cr.P.C. for quashing FIR No.21 dated 22.02.2010 under Sections 420, 465, 468 and 471 IPC against him, which stood abated on account of his death. The District Welfare Officer had conducted enquiry and vide his letter (Annexure P-3/T) to the Deputy Commissioner, Hoshiarpur, reported that allegation against Sohan Lal that on the basis of forged caste certificate, he had got himself elected as Sarpanch, was false. In the revenue record, deceased Sohan Lal was shown as Balmiki Hans. House of Sohan Lal was also searched/visited, but no material regarding his Christianity was found there. During search/visit Sohan Lal's daughter-in-law showed her marriage album which proved that they had performed marriage through Anand Karaj ceremony by Granthi Sh. Satnam Singh.

Having considered submissions made by learned counsel for petitioners, this Court is of considered opinion that continuation of the complaint filed by respondents No.1 and 2 before the trial Court would be a futile exercise inasmuch as Sohan Lal has already expired during the pendency of the complaint. Resultantly, he was not summoned. That apart, his term as a Sarpanch also expired long back in the year 2010.

In report (Annexure P-3/T), District Welfare Officer has observed that many a persons belonging to Christian community had obtained Scheduled Caste certificates issued by competent authorities. Therefore, judicial note of the fact can be taken that the persons belonging

to Scheduled Caste community must have adopted Christianity as their religion for one reason or the other. However, their castes falling under the

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Scheduled Caste category remained the same. Father of Sohan Lal in the revenue record was shown as Balmiki Hans. Therefore, by any stretch of imagination, it cannot be said that after adopting Christianity, Sohan Lal had lost his status of Scheduled Caste category. There is no evidence what to talk of any cogent and convincing that the petitioners had ever connived with Sohan Lal to elect him as a Sarpanch on the basis of alleged forged caste certificate. Allegations against the petitioner are vague in nature.

Considering overall facts and circumstances discussed above, impugned complaint and the summoning order are quashed.

Disposed of.

(Ramendra Jain)
Judge

August 23, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.