

CRM-M-29969 of 2015

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

CRM-M-29969 of 2015  
Date of decision: 23.08.2018

Dr. Subodh Gupta

.....Petitioner

versus

Manjit Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Karanvir Singh Khehar, Advocate, for the petitioner.  
None for the respondent.

**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing criminal complaint No.103 dated 20.05.2010 (Annexure P-1) titled “Manjit Singh v. Dr. Subodh Gupta” and summoning order dated 20.08.2015 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Mansa, whereby petitioner has been summoned under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the 'Act').

In nutshell, respondent filed complaint under Sections 3 and 4 of the Act against petitioner and one Dr. Asha Kiran. After recording preliminary evidence, complaint qua Dr. Asha Kiran was dismissed, whereas petitioner was summoned vide impugned order under Section 3 of the Act.

Learned counsel for the petitioner *inter alia* contends that on similar allegations, respondent had moved a complaint to the Deputy Commissioner, Mansa, against the petitioner and Dr. Asha Kiran, which on inquiry by the Assistant Commissioner (Complaint), Mansa, was found

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false. Subsequently, petitioner and Dr. Asha Kiran moved application to the Deputy Commissioner, Mansa, for taking action against the respondent under Section 182 IPC, which was referred to Senior Superintendent of Police, Mansa, and further marked to SHO, Police Station City Mansa, who on inquiry found that application filed by the respondent against the petitioner and Dr. Asha Kiran was false. Consequently, he recommended action under Section 182 IPC against the respondent. Resultantly, kalandra under Section 182 IPC dated 25.11.2010 was filed in Court.

After holding trial, learned Chief Judicial Magistrate, Mansa, held respondent guilty under Section 182 IPC, but taking a lenient view released him on probation on his furnishing personal probation bonds in the sum of Rs.5,000/- with undertaking to keep peace and be of good behaviour during the period of six months and serve the sentence, if any, during the said period of six months, if called upon. That apart, a cost of Rs.1,000/- was also imposed upon the respondent vide impugned judgment of conviction and order of sentence dated 29.08.2012. Learned counsel relying upon ***Rajinder Kumar v. State of Haryana***, 2002(4) R.C.R.(Criminal) 245 and ***Gorige Pentaiah v. State of A.P. and others***, 2008(4) R.C.R.(Criminal) 171 (S.C.) contends that ingredients of Section 3 are not fulfilled.

Having considered submissions made by learned counsel for the petitioner, I find merit in this petition for the reasons to follow.

There is nothing on the record that petitioner ever knew that the respondent belonged to Scheduled Caste community. Even in the complaint, there are no allegations that the petitioner called the respondent-complainant “*chura chamar*” deliberately knowing well that he belonged to

Scheduled Caste community. Perusal of file shows that respondent was not satisfied with the medical treatment given to his wife by the petitioner and

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Dr. Asha Kiran. Whatever action was taken by the petitioner was in his official capacity to the best of his ability. Therefore, to take revenge from the petitioner and Dr. Asha Kiran, concocting a false story, he filed instant complaint under the Act after one year, which can safely be termed as afterthought and mala fide action of the respondent.

Therefore, in the absence of any such pleading and evidence, ingredients of Section 3 of the Act are also not satisfied. Reference can be laid to ***Rajinder Kumar*** (*supra*).

In view of the discussion made above, impugned complaint and summoning order are quashed.

Disposed of.

**(Ramendra Jain)**  
**Judge**

**August 23, 2018**  
R.S.

Whether speaking/reasoned      Yes/No

Whether reportable              Yes/No.