

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-6890-2012 (O&M)

Date of decision: 11.12.2018

Vijay Singla

.....Petitioner

versus

State of Haryana and another

....Respondents

**CORAM: Hon'ble Mr. Justice Kuldeep Singh**

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. S.K. Garg Narwana, Senior Advocate with  
Mr. Naveen Gupta, Advocate for respondent No.2.

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**Kuldeep Singh, J. (Oral)**

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the Criminal Complaint No.410 dated 27.09.2005 titled as ***Dr. Jaipal Bharti vs. Smt. Vijay Singla etc.*** under Sections 182, 500, 506 & 120-B of Indian Penal Code including the summoning order dated 14.03.2009(Annexure P-2) and the charge sheet dated 28.02.2012 (Annexure P-3) by the Court of learned Judicial Magistrate Ist Class, Panchkula.

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

It comes out that on the complaint of the present petitioner, complainant, Dr. JaiPal Bharti, who happens to be Lecturer in Ayurvedic

College, Patiala was booked for offence under Sections 323, 354, 506, 376, 511 of Indian Penal Code, registered at Police Station Sector -5, Panchkula vide FIR No.514 dated 16.02.2000. Petitioner was tried and ultimately acquitted vide judgment dated 16.10.2004 (Annexure P-4) passed by learned Additional Sessions Judge, Panchkula observing that the evidence of prosecutrix is not reliable and does not inspire confidence and cannot be accepted. This Court also observed that the statement of the victim is not supported by corroborating material. At another place, the Court made the observation that when there is anomaly a possibility of false implication cannot be ruled out. After the acquittal in the year 2004 Criminal Complaint was filed on 27.09.2005 claiming that the petitioner has defamed the complainant because of the false implication.

Learned Magistrate after going through the preliminary evidence, summoned the present petitioner under Section 500 IPC vide order dated 14.03.2009 (Annexure P-2). The said order was not challenged at that time. Thereafter, vide order dated 28.02.2011 (Annexure P-3), petitioner was charge-sheeted under Section 500 IPC.

Learned counsel for the petitioner has argued that the complainant was acquitted on the ground that there is no corroborative evidence against him. The present petitioner was the victim and stood by his statement. However it did not find favour from the trial Court.

I am of the view that complainant was allegedly involved at the behest of one B.P. Singla, Advocate and respondent No.2 who is the acting Principal of Government College, Patiala. The complainant also claims that

as a result of allegations of rape, he was defamed in the eyes of the general public. I am of the view that in this case, the trial Court after recording pre-charge evidence has framed the charge holding that there were sufficient ground to presume that the accused had committed the offence. From its face and after going through the judgment of acquittal, it cannot be said that the present complaint and the consequential proceedings are misuse of process of Court. The complainant-respondent No.2 had right to file the complaint for defamation alleging that he was falsely prosecuted and defamed. It being so, there is no ground to quash the Criminal Complaint No.410 dated 27.09.2005 titled ***Dr. Jaipal Bharti vs. Smt. Vijay Singla etc.*** under Sections 182, 500, 506 & 120-B of Indian Penal Code including the summoning order dated 14.03.2009(Annexure P-2) and the charge sheet dated 28.02.2012 (Annexure P-3).

Trial Court proceedings were stayed and the case has become fairly old. The trial Court is directed to expedite the trial.

Accordingly, the present petition is dismissed.

**(KULDIP SINGH)**  
**JUDGE**

11.12.2018

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Whether speaking/ reasoned:

Yes

Whether Reportable:

No