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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 16:25
I attest to the accuracy and
authenticity of this document

CRM-M-43565-2014 (O/M)
Date of decision : 4.12.2018

Satpal Singh and another

..... Petitioner (s)

Versus

Inder Singh through his legal heir Sajjan Singh

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mohit Garg, Advocate,
for petitioners.

Mr. S.K. Birla, Advocate, for legal heir of respondent.

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KULDIP SINGH, J. (ORAL)

Heard. Petitioners Satpal Singh and Kuldeep Singh, seek quashing of criminal complaint No. 156-2 dated 23.2.2007, filed under Section 3 (1) (iv) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, pending before learned Judicial Magistrate 1st Class, Hansi, (Annexure-P-1), as well as summoning order dated 28.2.2014 (Annexure-P-3).

Complainant respondent claims that land measuring 21 kanals 8 marlas, bearing Killa No. 22/21-23/24-25 Min., was allotted to him by SDO (Civil), Hansi, for a sum of Rs. 6,690/-. He paid entire amount alongwith interest amount of Rs. 18,075/- on 21.12.1996 and became full owner. Mutation No. 1062, dated 23.12.1996, was sanctioned in favour of complainant, which was reflected in jamabandi for year 1998-99 and jamabandi for year 2003-04, but accused wrongfully and knowingly occupied and cultivated land bearing No. 23/24-25 during kharif 2005 to kharif 2006 and wrongly dispossessed him. The allotment was cancelled by SDO (Civil), Hansi, on 19.10.1995, but appeal was allowed on 5.11.1996, whereas revision was rejected on 18.9.1998. Hence, accused has committed offence under Section 3 (1) (iv) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

On receiving complaint, petitioners were summoned, vide impugned order dated 28.2.2014 (Annexure-P-3), passed by learned Judicial Magistrate 1st Class, Hansi.

The learned counsel for petitioners has argued that there was a dispute between parties. An agreement (Annexure-P-5) was executed between complainant and accused on 31.7.2009, vide which present complainant respondent agreed to sell land to accused petitioners. Further perusal of order (Annexure-P-6), passed by SDO (Civil), Hansi, shows that on 17.12.2008, in appeal, complainant respondent got recorded his statement that he has sold land to accused petitioners. Therefore, he withdraws his application.

The learned counsel for complainant respondent has filed written submission. Section 3 (1) (iv) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, is sought to be invoked. Clause (f) of Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, pertains to wrongfully occupies or cultivates any land, owned by, or in possession of or in possession or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribes or gets such land transferred.

I am of the view that in this case, there was a dispute between parties. Land was subject matter of appeal and revision. The land has been ultimately sold by complainant respondent to accused petitioners. He has received sale price and withdrew proceedings before revenue authorities. Therefore, present complaint is nothing, but misuse of process of Court. Therefore, complaint alongwith consequential proceedings is quashed.

Petition is allowed.

(KULDIP SINGH)
JUDGE

4.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No