

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16008-2015 (O&M)

Date of Decision: 11.02.2020

Dharam Pal

.... Petitioner

Versus

Karamvir and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Arvind Galav, Advocate for respondent No. 1.

Mr. RS Rana, Advocate for respondents No. 3 and 5.

Mr. Ravi Sharma, Advocate for respondent No. 4.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for setting aside impugned order dated 13.06.2014 (Annexure P-1) of the lower Appellate Court and order dated 07.01.2011 (Annexure P-2) of the trial Court, whereby Criminal Complaint No. 281 of 2005, titled 'Dharampal Vs. Karamvir and others', under Sections 409, 420, 379, 201, 500, 182, 506 and 120-B IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-'the Act'), was dismissed.

Briefly, petitioner-Dharam Pal, who belongs to scheduled caste moved a complaint against the respondents, who are his colleagues and superiors, on the allegations that they were regularly misbehaving,

torturing and abusing him in the name of his caste in public view. The police after investigation, when did not find any substance, rejected the complaint. Resultantly, petitioner approached this Court vide CRM-M-20236-2004, seeking direction to the police authorities to register FIR on his complaint. Pursuant thereto, FIR No. 267 dated 26.06.2004, under Sections 409, 420 and 506 IPC and Section 3 of the Act was registered against respondents at Police Station City, Thanesar, District Kurukshetra. Again on investigation, the investigating agency found the allegations of petitioner against respondents false. Thus, it filed cancellation report in Court which was duly accepted, because of non-raising of any protest by the petitioner. Thereafter, he filed private complaint under Sections 409, 420, 379, 201, 500, 182, 506 and 120-B IPC and Section 3 of the Act, against the respondents, before Judicial Magistrate Ist Class, Kurukshetra. Learned Judicial Magistrate, also finding no substance in his complaint, dismissed it under Section 203 Cr.P.C., vide order Annexure P-2.

Being aggrieved, petitioner approached the revisional Court, along with an application for condonation of delay of 3 years and 5 months, which too was dismissed vide impugned order Annexure P-1, on the ground of limitation.

Having given considerable thoughts to the rival submissions, this Court finds the instant petition merits dismissal for the reasons to follow:

No doubt, this Court has very vast inherent powers under Section 482 Cr.P.C., but I would like to add here that the same has to be

exercised with due care and caution, only to prevent the abuse of process of Court or to secure the ends of justice.

Perusal of both the impugned orders i.e. Annexures P-1 and P-2, shows that the same are well reasoned and passed after correct appreciation of facts on record. Consequently, this Court finds no infirmity or illegality in the same.

That apart, respondents have been made to suffer a protracted trial since the year 2004 i.e. for the last 16 years. The same is hanging on their heads like a damocle's sword. Their above sufferance for such along period is dis-proportionate to their alleged misconduct and misbehavior with the petitioner.

Dismissed.

February 11, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No