

CRM-M-19132-2017

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

CRM-M-19132-2017(O & M)

Date of Decision: 08.01.2020

Sheetal

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Harparteek Singh Sandhu, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

None for respondent No.2.

HARNARESH SINGH GILL, J.

The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.1026 dated 11.11.2016, registered at Police Station Jhajjar, District Jhajjar, under Section 506 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'SC/ST Act').

In pursuance of notice of motion, reply by way of affidavit of Deputy Superintendent of Police, City Jhajjar, District Jhajjar, on behalf of respondent No.1, had been filed.

However, no reply has been filed by learned counsel for respondent No.2 since 16.08.2017, when he appeared in the present case.

Today, there is no representation on behalf of respondent No.2.

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that the petitioner had been working as a Chemistry Lecturer at Govt. Polytechnic, Jhajjar, since 2013. In a tragedy that occurred in the year 2016, the petitioner had lost her husband and two sons. One Daljeet Singh, Head of the Department, Electrical Engineering, Government Polytechnic, Jhajjar, had committed undesirable activities and also tried to molest the petitioner. After making number of complaints by the petitioner, FIR No.978 dated 21.10.2016 (Annexure P-5), under Sections 354(D) and 500 IPC, had been registered at Police Station Jhajjar, against Daljeet Singh. He further contended that after registration of the FIR (Annexure P-5), Daljeet Singh and his peon respondent No.2-complainant, Bishamber, had started threatening the petitioner and a complaint dated 25.10.2016 (Annexure P-6) had been given to the Superintendent of Police, Jhajjar, against them. Thereafter, another complaint dated 10.11.2016 (Annexure P-7) had also been given against them by the petitioner in respect of blocking her way, when she was called by the Sub Divisional Magistrate, on 09.11.2016. However, instead of taking action on the complaint of the petitioner, the impugned FIR had been registered against her at Police Station Jhajjar, under Section 506 IPC and Section 3 of the SC/ST Act, on the false complaint of respondent No.2, who is a peon working under Daljeet Singh, and further challan has been presented. The learned counsel further contended that the impugned FIR is a counter-blast to FIR No.978 dated 21.10.2016 (Annexure P-5), which had been registered against Daljeet Singh on the complaint of the petitioner, and, therefore, the impugned FIR is liable to be quashed. In support of his contentions, the learned senior

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counsel relied upon *Amrik Singh and Ors. Vs. State of Punjab and Anr.* 2011 (5) R.C.R. (Criminal) 646.

Per contra, the learned State counsel argued that the petitioner had uttered obscene caste related words to respondent No.2-complainant in the presence of several other staff members and the witnesses had supported the complaint of respondent No.2 and the investigation had already been completed and the final report had been presented.

I have heard the learned senior counsel for the petitioner and the learned State counsel and perused the case file.

Perusal of FIR No.978 dated 21.10.2016 (Annexure P-5) shows that the same had been registered, after numerous complaints made by the petitioner, against Daljeet Singh, Head of the Department, and even at the later stage, the complaints had also been filed against Daljeet Singh and respondent No.2-Bishamber, who had obstructed the way of the petitioner and also threatened her, when she came in the office of Sub Divisional Magistrate on 09.11.2016.

Admittedly, FIR No.978 dated 21.10.2016 (Annexure P-5) got registered by the petitioner is at the prior point of time. However, in the impugned FIR (Annexure P-8), the complainant is Bishamber, who is none else but a Peon working in the office of Daljeet Singh (accused in FIR No.978 dated 21.10.2016, Police Station Jhajjar. The said fact has not been disputed. The factual position narrated above draws one to an irresistible conclusion that the impugned FIR (Annexure P-8) registered against the petitioner at the behest of accused in FIR No.978 dated 21.10.2016

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(Annexure P-5), is nothing but an attempt to overawe her so that by succumbing to the pressure, Daljeet Singh might get benefit in the FIR registered against him. Thus, to my mind, the impugned FIR No.1026 dated 11.11.2016 (Annexure P-8) is an act of counter-blast.

Even as per the list of witnesses, Chander Parkash and Parveen Mehra (witnesses), are also subordinates to Daljeet Singh. The petitioner has made two complaints dated 25.10.2016 (Annexure P-6) and 10.11.2016 (Annexure P-7) against Daljeet Singh and respondent No.2. The complaint dated 10.11.2016 (Annexure P-7) is with regard to an incident of blocking the way of the petitioner by respondent No.2 and Daljeet Singh when she had come to the office of Sub Divisional Magistrate.

In ***Amrik Singh and others (supra)***, it has been held as under”

“10. *Having considered the allegations made in the complaint, in the context of the attending facts and circumstances noticed above, I am of the considered opinion that the complaint has been filed only so as to harass the petitioners, which amounts to abuse of process of court and abuse of process of law.*

11. *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been framed for protection of members of Scheduled Castes and Scheduled Tribes. The special legislation, however, has been abused, in the present case. The very allegation made in para-4 of the complaint is found to be impossible. No allegation could be made against the sweeper to the effect that he had come to dirty the floor.*

12. *The fact that the complainant is an employee of Gurnam Singh cannot be disputed because the fact finds mention in the complaint itself. Strained*

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relations between Gurnam Singh and petitioner No.3-Sukhdev Singh are brought out from the order (Annexure P-1), to which reference has been made hereinabove. The conduct of respondent No.2 is also reflected from the compromise (Annexure P-4) wherein he received a sum of Rs.7,000/- given by the sons of Shingara Singh.

13. The circumstances invite the conclusion that the complaint has been filed so as to harass the petitioners at the instigation of Gurnam Singh, the employer of respondent No.2-complaint so as to settle the tenancy dispute with petitioner No.3, I find that continuance of proceedings shall be an abuse of process of Court.”

Keeping in view above, the present petition is allowed. FIR No.1026 dated 11.11.2016, registered at Police Station Jhajjar, District Jhajjar, under Section 506 IPC and Section 3 of the SC/ST Act, alongwith all the consequential proceedings arising therefrom, is quashed qua the petitioner.

08.01.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No