

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29619-2017

Date of Decision : February 07, 2020

Satya Narayan Saini.....Petitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. R.P.Dhir, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Mr. Vikrant Rana, Advocate,
for respondent No.2.

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MANJARI NEHRU KAUL, J.

The instant petition is for quashing of Criminal Complaint No. 250 dated 30.09.2014 under Sections 166/323/354/506/34 IPC (Annexure P1) as well as summoning order dated 28.04.2017 passed by the Sub Divisional Judicial Magistrate, Loharu (Annexure P2).

It has been urged by the learned counsel that totally false allegations have been levelled against the petitioner in the aforementioned complaint which was filed before the S.H.O. Loharu on 09.05.2014 (Annexure P4). After a thorough enquiry, report dated 08.07.2015 (Annexure P5) was submitted wherein all the allegations were found to be false. Thereafter, another complaint dated 09.05.2014 (Annexure P6) was moved before the S.D.M. Loharu. Yet again no case was found to have been

made out against the petitioner and it was mentioned that a personal dispute between the parties was the reason behind the institution of the complaint. It would be pertinent to mention that prior to the filing of the above two complaints, the complainant had also approached the National Commission for Women, New Delhi, vide case No. 60-RMA on 31.10.2014. In the report dated 26.11.2014 (Annexure P9) submitted by the Deputy Superintendent of Police, Loharu, the allegations levelled by the complainant were found to be totally false. Rather, when the inquiries subsequent to the filing of the complaints were conducted it was revealed that in fact it was the complainant who had indulged in unruly and abusive behaviour when she visited the office of Municipal Council, Loharu, on 08.05.2014 to avail of the old age pension of her mother. Since the petitioner declined to disburse the pension of the complainant's mother till her signatures were not obtained, the complainant created an ugly scene. The learned counsel for the petitioner further urged that the Magistrate failed to discuss report under Section 202 Cr.P.C. and wrongly summoned the petitioner under Sections 166, 323, 354, 506 IPC. While drawing the attention of this Court to the allegations levelled in the criminal complaint it was vehemently urged that no case to attract the mischief of Section 354 IPC was made out. It was thus very evident that a fabricated and false story had been concocted as even in the complaints earlier made, there were no allegations made by the complainant qua outraging the modesty of the complainant.

The learned counsel for respondent No.2 vehemently opposed the submissions of the learned counsel for the petitioner. In the written submissions filed by the respondent, it was submitted that the petitioner had been rightly summoned vide summoning order dated 28.04.2017. It was

urged that the petitioner was a powerful and influential man which was the reason behind the exoneration of the petitioner in enquiry reports submitted by the S.H.O Loharu, S.D.M. Loharu as well as the Deputy Superintendent of Police, Loharu.

I have heard learned counsel for the parties and gone through the other material on record.

In the case in hand, subsequent to the incident in question the complainant moved as many as three complaints including one before the National Commission for Women, New Delhi. A thorough enquiry was conducted each time and all the three complaints were found to be without merit. It would be worthwhile to notice that the statements of the eye-witnesses present at the time of occurrence were recorded. The submissions of the complainant that the petitioner was a man of influence and that is why the reports were given in his favour by each of the Inquiry Officer does not appeal to reason and can not be digested. The National Commission for Women, New Delhi, is an independent and autonomous body which also gave report on the same lines as the enquiry reports submitted by the S.H.O. Loharu and S.D.M. Loharu. In fact, a perusal of the reply submitted by respondent No.2 shows that the reason as urged by the petitioner which led to the occurrence in question has gone unchallenged. As per the petitioner since the complainant's mother's signatures were not there, he had expressed his inability and reluctance to disburse the old age pension. This factum has gone unchallenged by the respondent in his reply submitted before this Court. In the circumstances, the version of the petitioner comes across as believable coupled with the enquiry reports which too have affirmed the version of the petitioner.

In view of the above, the Criminal Complaint No. 250 dated 30.09.2014 under Sections 166/323/354/506/34 IPC (Annexure P1) as well as summoning order dated 28.04.2017 passed by the Sub Divisional Judicial Magistrate, Loharu (Annexure P2) are quashed.

The petition is allowed.

07.02.2020
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No