

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

CRM-M-33963-2022
Reserved on: 09.08.2022
Pronounced on: 17.08.2022

Dinesh Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Munish Mittal, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

The petitioner seeks quashing of FIR No. 210 dated 08.04.2022 registered under Sections 323 and 506 IPC read with Section 3(1)(s), 3(1)(u), 3(1)(z) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act, 1989, at Police Station Gharunda, District Karnal along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner contends that the registration of the FIR against the petitioner by the complainant is an act of connivance, deliberations and consultations by the complainant with his landlord/employer Ashok Kumar; that the petitioner was having a previous enmity with said Ashok Kumar; that the petitioner had moved an application to the Deputy Commissioner, Karnal against said Ashok Kumar and one Joginder Singh, regarding the threats issued by them and that the petitioner had also moved another application before the

Deputy Commissioner, Karnal, regarding the threats extended to him for implication in a false case under SC & ST Act, besides sending another similar application to the Home Minister, Government of Haryana. It is further submitted that even the relatives of said Jagdish had also sworn affidavits that no quarrel took place on 09.03.2022, as has been stated in the FIR.

On the basis of the aforesaid factual position, it is contended that the initiation of the criminal proceedings against the petitioner is nothing, but an abuse of process of law, as the landlord/employer of the complainant is settling his personal scores through the latter. He relies upon the judgment of this Court in Sheetal Vs. State of Haryana and another, 2020(3) RCR (Criminal) 716 and another judgment of a Coordinate Bench of this Court in Amrik Singh and others Vs. State of Punjab and another, 2011(5) RCR (Criminal) 646.

After hearing the learned counsel for the petitioner I do not find any merit in the present petition.

The FIR in question was registered on 08.04.2022. The investigation is still going on. The averments of the petitioner that he had been falsely implicated by the complainant at the instance of his landlord/employer Ashok Kumar and that the applications/complaints moved by the petitioner to the administrative and police authorities did not evoke any response, are no basis to grant the relief prayed for. It is settled law that the inherent jurisdiction under Section 482 Cr.P.C., has to be invoked, when *ex-facie* it appears that initiation of the criminal proceedings is an abuse of process of

law, as has been held by the Hon'ble Apex Court in catena of judgments.

The Hon'ble Supreme Court in Pepsi Foods Ltd. and another Vs. Special Judicial Magistrate and others, (1998)5 SCC 749, while relying upon its previous decisions, including the one delivered in State of Haryana Vs. Ch. Bhajan Lal, 1991(1) RCR 383, has held that the criminal proceedings can only be quashed if it is established on the record that such proceedings are an abuse of process of law.

In Sheetal's case (supra), the petitioner therein was able to make out a case that she being a Chemistry Teacher was subjected to undesirable activities, including, molestation attempt, by the Head of the Department and that in order to overawe the petitioner, the Head of the Department, got filed an FIR through his peon. It was further found that the FIR registered against the petitioner therein was a counterblast to the FIR registered by her at a prior point of time against the said Head of the Department.

In Amrik Singh's case (supra), it was found that the FIR under the SC & ST Act was got filed through an employee (being a sweeper) by the landlord and that previously also such proceedings were initiated, which were compromised after receiving the money. It was under these circumstances, the learned Single Bench of this Court, found the proceedings being an abuse of process of law.

However, in the instant case, the petitioner only alleges that the complainant is an employee/tenant of Ashok

Kumar. Apart from these bald assertions, there is nothing material on record, which may substantiate the false implication of the petitioner. As noticed above, the investigation is still on and any indulgence at this stage, would amount to scuttling the very criminal proceedings.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

17.08.2022
ds

(HARNARESH SINGH GILL)
JUDGE

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