

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

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**CRM-A-2628-MA-2017
Date of decision: 21.11.2023**

Bimal Devi**...Appellant**

Versus

Darshan Kumar and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Deepak Aggarwal, Advocate
for the applicant-appellant.

MANISHA BATRA, J. (Oral)

1. The present application has been filed under Section 378(4) Cr.P.C. seeking leave to appeal against the judgment dated 10.07.2017, passed by the Judicial Magistrate First Class, Bathinda, whereby the complaint filed by the petitioner against the respondents, under Sections 323, 427 and 354 of the IPC and Sections 3, 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (*for short 'SC/ST Act'*), was dismissed.

2. Brief facts of the case, as emanating from the complaint, are that the petitioner, who belongs to a Schedule Caste, was running a govt. depot in Bathinda and is a handicapped lady. It had been alleged in the complaint that respondent No. 1-Darshan Kumar used to harass her and had a bad eye on her as her husband had died and respondent No. 1 wanted to develop some illicit relationship with her. On refusal by the complainant, respondent No. 1 came to his depot on 02.10.2014 and hurled filthy words against her in the name of her caste. The complainant had given an

application to the police, however, the police officials got her signature on a blank paper and later on, she was called in the police station on 09.10.2014. On reaching police station along with Dalip Singh, Atma Singh, Pargat Singh and Suba Singh, the police officials obtained signatures of the complainant and she was told by them that a compromise had been effected between the parties. When the complainant came outside the police station, aforesaid Pargat Singh and Suba Singh used filthy language against in the name of her caste. Accused/respondent No. 1 twisted her arm and again abused her. Respondent Nos. 2 and 3 also abused her. Respondent No. 4 caught hold the clothes of complainant and had torn the same and also used filthy language against the complainant. Complainant reported the matter to the police but no action was taken. It is alleged that the said incident had happened on the main road in the presence of aforesaid persons and general public. It is further alleged that on 11.10.2014, when the complainant was talking to her neighbour, respondent No. 1 came to them and caught hold of the hand of complainant and again used unconstitutional words against her caste. Thereafter, the residents of the village rescued her. With these allegations, the present complaint had been filed before the trial Court.

3. In evidence, the petitioner/complainant examined herself as CW-1 and deposed on the line of her allegations made in the complaint. She had also tendered copy of her Caste Certificate issued by office of Tehsildar as Ex.C-1, copy of the Concession Certificate as Ex.C2, copy of applications moved by her to SHO, P.S.Canal Colony, Bathinda against accused dated 02.10.2014 as Ex.C3, application dated 10.10.2014 as Ex.C4 and application dated 11.10.2014 as Ex.C5. Thereafter, the complainant

examined Pargat Singh as CW-2, who corroborated the case of the complainant.

4. After hearing learned counsel for the complainant and appreciating the evidence led by the complainant, the trial Court dismissed the complaint by observing that the allegations levelled against the accused/respondents were not made out. The trial Court observed that the complainant had failed to produce any evidence to show that any hurt was caused to her and even no medical evidence was led in this regard. The trial Court further observed that since the entire dispute of the complainant was with Darshan Kumar, as to why the other accused would enter into altercation with the complainant and use filthy language against her in the name of her caste. The trial Court disbelieved the allegations that the accused persons outraged the modesty of the complainant on a main road and just outside of a police station, that too, immediately after effecting a compromise with her. With regard to allegations under SC/ST Act, the trial Court observed that the complainant has nowhere mentioned in her complaint that whether the accused were belonging to any higher caste or they were also of the caste of complainant. In this backdrop, the trial Court dismissed the complaint of the petitioner. Hence, the present application seeking leave to appeal against the said judgment.

5. Learned counsel for the applicant-appellant has argued that the trial Court has wrongly dismissed the complaint without properly appreciating the evidence.

6. Learned counsel for the applicant-appellant has advanced his arguments on the same line, which have already been dealt with by the trial

Court and he could not point out any infirmity or illegality in the impugned judgment, which may warrant interference of this Court.

7. Accordingly, finding no infirmity or illegality in the impugned judgment, this Court is of the considered opinion that no ground is made out to grant leave to appeal against the well reasoned judgment passed by the trial Court dismissing the complaint of the petitioner.
8. The present application is dismissed accordingly.

21.11.2023
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No