

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

CRM-M No.9586 of 2023
Date of decision: 20th July, 2023

Bhumit Samota

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking quashing of FIR No.724 dated 07.12.2021 under Sections 341, 506 IPC (Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) added later on) registered at Police Station Bhiwani Sadar, District Bhiwani.

2. Learned counsel, inter alia contends that in order to settle personal scores, complainant/respondent No.2 had planted a false case on the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel for the petitioner has submitted that a bare perusal of the same further indicated that totally unbelievable and fabricated allegations have been levelled against the petitioner, of having firstly obstructed the way of the complainant and after threatening him with

dire consequences, using abusive language including making vulgar casteist remarks against him. It has been submitted that initially, the FIR in question was lodged under Section 341 and 506 IPC, however, later on, the complainant along with one SI Jai Singh, SHO Police Station Sadar Bhiwani and Sumit and others, who were accused in a criminal complaint bearing COMI No.11 of 2021, which had been instituted by the petitioner himself, had conspired and planted the case in question on the petitioner. It has been further urged that even otherwise, the essential ingredients to attract the mischief of an offence under Section 3(2)(Va) of the SCST Act are not made out against the petitioner and even for the sake of arguments, if it is assumed that any such vulgar language was indeed used by the petitioner, though not conceded, the occurrence in question had not taken place in full public view. Hence, on this ground alone, the FIR in question deserved to be quashed.

3. Learned counsel has lastly argued that it was a matter of record that the petitioner, who is a practising Lawyer, had been representing the daughter-in-law of the complainant in a number of cases, which were pending between her and the complainant and his family, and thus, the complainant with an oblique motive, just to harass the petitioner and exert pressure on him, so that he did not represent his daughter-in-law in various cases, had brought forth false allegations against him.

4. I have heard learned counsel for the petitioner and perused the relevant material on record including the allegations levelled in the FIR.

5. The inherent powers of this Court under Section 482 Cr.P.C. can be invoked only if the allegations levelled in the FIR do not even remotely disclose the commission of an offence. Therefore, it is incumbent upon this Court to exercise a great deal of circumspection whenever a prayer for quashing of an FIR is made. Quashing of an FIR should be an exception rather than an ordinary rule.

6. Adverting to the case in hand, a perusal of the allegations levelled in the FIR do reveal the prima facie commission of offences under Sections 341, 506 IPC and Section 3(2)(Va) of the SCST Act. No doubt, it has been vehemently argued by the learned counsel that the case in hand had been planted upon the petitioner to settle personal scores, however, it needs to be reiterated, as has also been held by the Hon'ble Supreme Court in its various pronouncements that while exercising its inherent powers under Section 482 Cr.P.C., this Court cannot embark upon an enquiry qua the truthfulness or otherwise, of the allegations levelled in the FIR. The truthfulness or otherwise, of the allegations levelled in the FIR would be tested on the touchstone of cross-examination during trial. Still further, after the lodging of the FIR and on conclusion of investigation by the police, final report under Section 173 Cr.P.C. already stands presented before the trial Court.

Hence, this Court would loathe to stifle prosecution of the petitioner at this stage.

7. Dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 20, 2023
rps

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