

264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42615-2017
Date of decision : 12.10.2023

Baldev Singh

....Petitioner

Versus

Jaspal Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tahaf Bains, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Present petition filed under Section 482 Cr.P.C. is directed against order dated 1st of June, 2017 passed by Additional Sessions Judge, Bathinda whereby the revision preferred by the petitioner has been dismissed upholding the order dated 21st of December, 2015 passed by Judicial Magistrate 1st Class, Bathinda dismissing the complaint preferred by the petitioner.

2. Petitioner preferred complaint under Sections 500, 501, 199, 200, 203, 342, 120-B IPC along with provisions of SC & ST Act. The petitioner led preliminary evidence. Trial Court at the stage of summoning found that the complaint is bereft of even basic allegations w.r.t. using of derogatory remarks *qua* the petitioner being a member of Scheduled Caste family. It was further recorded by the Trial Court that the relationship

between the complainant and accused persons were strained. The accused persons had already preferred a complaint against the petitioner and thus, the present complaint seems to be a counter-blast of the said complaint. It was further found that ingredients of offence punishable under Section 203 IPC were not made out and there was no evidence to substantiate the allegations of wrongful confinement. Resultantly, the complaint was ordered to be dismissed. In revision preferred by the petitioner the Appellate Court found as under :

“3. In order to prove that the respondents have used derogatory remarks with regard to his caste being member of Scheduled Caste family, he himself has appeared in the witness box as CW-5 and has deposed that he has been working as Functional Manager in District Industries Center. In his statement he has stated that the respondent persons have been harassing him and have been filing complaints against him. He has further stated that he has never used the liquor but on 29.08.2014 the accused persons gave comments on him and called him 'Sharabi' and on 17.06.2014 they have used derogatory remarks with regard to his caste. He has further stated that on 03.06.2014 all the accused persons again called him 'Sharabi Dhand'. In this way his reputation has been damaged. CW-1 Jarnail Singh, CW-2 Bhola Singh and CW-3 Rajinder Singh have also deposed on the same line and supported the version of complainant. He has also produced on record the documents which show that the inquiry was conducted by the Additional Deputy Commissioner. The report shows that complaint was received by Additional Deputy Commissioner from the respondents regarding the conduct of the revision-petitioner. As per the inquiry report, the behaviour of Baldev Singh that is revision-petitioner towards his staff was not found

proper and it was found that he has been harassing the staff. Because of this reason there is groupism in the department and office. It has also been observed that there is no evidence that he has been using liquor. All the documents filed on record by the revision-petitioner shows that number of complaints were filed against the revision-petitioner and the relationship between the revision-petitioner and his staff members is not cordial. The above said circumstances clearly shows that the present complaint has been filed just to take the revenge from the staff members as his conduct has been proved. The learned Lower Court has rightly observed that the revision-petitioner has failed to prove prima-facie that the statement made by the present accused persons in inquiry were false. This inquiry was conducted by Additional Deputy Commissioner. The learned Lower Court has rightly observed that the ingredients of Section 203 of IPC have also not been proved. The learned Lower Court has rightly observed that the witnesses examined by the revision-petitioner have not proved any incident or instance where the revision-petitioner was wrongfully confined. The learned Lower Court has fully appreciated the evidence and the documents and has rightly not summoned the respondents. The learned Lower Court has rightly dismissed the complaint finding no prima-facie case and evidence to summon the respondents as accused persons. Thus, the order passed by the learned Lower Court is well reasoned order.”

3. Ld. Counsel for the petitioner has not been able to show any piece of evidence that was not appreciated by the Courts below or any other substance that would warrant interference by this Court while exercising jurisdiction under Section 482 Cr.P.C.

4. In the case of **R.P. Kapur, vs. State of Punjab, AIR 1960 SC**

860 Supreme Court held as under :

“Before dealing with the merits of the appeal it is necessary to consider the nature and scope of the inherent power of the High Court under Section 561-A of the Code. The said section saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice. xxxx”

5. Law w.r.t. exercise of jurisdiction under Section 482 Cr.P.C. is well settled by the Apex Court in the case of **Inder Mohan Goswami vs. State of Uttaranchal, (2007) 12 SCC 1** holding as under :

“23. This court in a number of cases has laid down the scope and ambit of courts' powers under section 482 Cr.P.C. Every High Court has inherent power to act *ex debito justitiae* to do real and substantial justice, for the administration of which alone it exists, or to prevent abuse of the process of the court. Inherent power under section 482 Cr.P.C. can be exercised:

- (i) to give effect to an order under the Code;
- (ii) to prevent abuse of the process of court, and
- (iii) to otherwise secure the ends of justice.

24. Inherent powers under section 482 Cr.P.C. though wide have to be exercised sparingly, carefully and with great caution and only when such exercise is justified by the tests specifically laid down in this section itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute.”

6. In the only three aforesaid eventualities this Court can exercise jurisdiction under Section 482 Cr.P.C. However, counsel for the petitioner

could not point out any circumstance that would fall within the parameters as stated herein above. Resultantly, the present petition is dismissed.

October 12, 2023
Dpr (Pankaj Jain)
Judge

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