

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10795-2019
DECIDED ON: 13.03.2024

PARAMJIT KAUR
.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Chander Shekhar Singh, Advocate for
Mr. D.S. Punia, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Ms. Neetu Singh, Advocate
for the respondent No.2-complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked by the petitioner seeking quashing of complaint No. 296, dated 17.04.2015, titled as “Tajinderpal Singh vs. Punjab School Education Board and others”; under Sections 198, 200, 420, 466, 468, 472, 474, 477-A of the Indian Penal Code, 1860, pending in the Court of Judicial Magistrate Ist Class, Ludhiana along-with all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner has placed on record a copy of order dated 07.10.2023 passed by Additional Sessions Judge, Ludhiana, vide which the other two co-accused of the petitioner stands discharged. In the light of above, he submits that the petitioner is on much better footings than other two co-accused persons, who have since been discharged by learned trial Court.

3. It is pertinent to note here that the complainant is a father whose son appeared in 10+2 examination conducted by Punjab School Education Board (hereinafter referred to as 'Board') and on that account the present complaint came to be filed and the son of the complainant is the only one whose result was withheld by the accused persons, as has been alleged in the complaint, copy of which is available on record. No direct allegation is coming forth qua the petitioner in the whole complaint, who is performing the duties as District Education Officer being an employee of the State Government having no concern with the Board as well as for conducting of examination is concerned in the instant complaint. More so, there is no dispute to the factual aspect that the examination was conducted by the Board and thereafter, checking of answer sheets and the result is to be prepared and declared by the Board only and no role whatsoever is assigned to the District Education Officer, as an Officer of the State Government in any manner whatsoever.

4. It is on these assertions, the present petition came to be filed for quashing of the complaint. Perusal of paras No. 5 to 8 makes it abundantly clear that no allegations are made against any other accused at all including the petitioner except accused No.1 & 2.

5. Learned counsel for the petitioner has placed reliance upon an order dated 07.10.2023 passed by Additional Sessions Judge, Ludhiana to argue that even accused No.1 & 2 have been discharged by the trial Court itself prima facie finding that no offence has been committed at their end to fasten any kind of criminal liability upon them. It is argued that the case of the petitioner is on much better footings and also crystal clear before this Court that on that account alone, this petition deserves to be allowed.

6. In view of the discussions made hereinabove, the present petition is allowed and complaint No. 296, dated 17.04.2015, titled as “Tajinderpal Singh vs. Punjab School Education Board and others”; under Sections 198, 200, 420, 466, 468, 472, 474, 477-A of the Indian Penal Code, 1860, pending in the Court of Judicial Magistrate Ist Class, Ludhiana along-with all subsequent proceedings arising therefrom, is hereby quashed qua the petitioner.

13.03.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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