



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-21927-2024

Date of decision: May 24th, 2024

Vinod Goyal and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Govind Mor, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.609 dated 17.11.2022 under Sections 147, 323, 341, 365, 393, 506 and 149 of the Indian Penal Code, 1860, Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City, Jind, along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, submits that a totally false, fabricated and unbelievable case has been planted upon the petitioners on account of a complaint having been made by the petitioners, being RTI activists, against the complainant party, as they had encroached upon public land. Learned counsel has further submitted that no such occurrence, as has been alleged in the FIR in question much less of uttering casteist remarks, ever took place.

3. I have heard learned counsel for the petitioners and perused the relevant material on record.

4. It needs to be emphasized that while considering a prayer for quashing of an FIR, the defence of the petitioners-accused cannot be gone into by the Court. The Court is to restrict itself to the allegations levelled in the FIR in question as to whether they *prima facie* attract the mischief of the offences alleged or not. In the present FIR, which stands reproduced hereinbelow, the essential ingredients to attract the mischief of Sections 147, 323, 341, 365, 393, 506 and 149 of the Indian Penal Code, 1860, Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are clearly made out:-

*"To, Incharge, Police Post, Rohtak Road Jind.
Subject: Regarding fighting children. Sir, it is requested that I am Sita wife Ramdia resident of Makhand Police Station, Uchana now residing as tenant at Street no.4 Gupta Colony Jind since last 6/7 years and my husband Ramdia works as mason. We belong to Balmiki community. Today dated 17.11.2022 time at around 06.00 PM, my daughter Tamanna aged 11 years had gone to buy chilli from the shop, there is a house of Surendra son Lakshminarayan caste Bania at some distance from our house on the way to the shop, who knows us by caste, when my daughter Tamanna was bringing chillies from the front of Surendra's house, then Surendra's two girls were playing in the street, then they started calling my girl Chudi Chudi When my daughter objected to this, Surendra's wife Mamta took her to their house while dragging from her hair. Surendra's wife Mamta and her two daughters tried to snatch money from my*

daughter Tamanna's hand but my girl did not give money, on which Mamta and her daughters strangled throat of my daughter Tamanna. The neighbors told me about this incident on which I was going to get my daughter rescued, then on the way my daughter came crying and I along with my daughter went to Mamta wife of Surendra to complain at their house where Surendra and his wife Mamta and his daughters gave beating to me up but the people of the neighborhood got us rescued. I came to my house with my daughter. Then my husband Ramdiya again went to Surendra's house to complain about my daughter, then Surendra again scuffle us, again the people of the neighborhood got us freed. Then we were going to the hospital with our daughter, then Surendra's brother Vinod, Surendra, Mangal and 2/3 other people came near Bhiwani road bypass and by stopping our way called me, my wife and our relative Kadma son of Jagdish resident of Guniana Police Station Nising District Karnal that you Deds, Churro " what is your status to go to our house to complain." Mangal said that these 'ded' people have created worst atmosphere in the entire colony, get these 'ded' people be turned out of the colony. said that earlier also they had played the band of big people and said they will kill them if you 'ded' made complaint against us. On which we have got medical done of our daughter Tamanna in the government hospital and produced the same before you. You are requested to take Strict legal action against Surendra, Surendra's wife Mamta, or their two daughters whose names I do not know, Surendra's brother Vinod, Mangal neighboring shopkeeper and 2/3 other persons for beating my daughter Tamanna after dragging into the house and for beating us and abusing us publicly and insulting us by using caste abuses and threatening to kill.

5. In the circumstances and in the light of the allegations levelled, this Court would loath to exercise its inherent powers under Section 482 of the Cr.P.C. more so when the matter was investigated into by the police leading to the presentation of challan. The veracity of the allegations levelled in the FIR in question would be tested during trial on the touchstone of cross-examination.

6. The instant petition stands dismissed.

7. 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.

May 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No