



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

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CRM-M-28951-2024
Date of decision: 31.05.2024

Sarbjit Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Viren Sibal, Advocate and
Mr. Satyam Sharda, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is the second petition filed under Section 482 of the Cr.P.C. for quashing of FIR No.112 dated 15.05.2020 under Sections 186, 353, 427, 34 of the IPC registered at Police Station Sujampur, district Pathankot and all consequential proceedings arising out of the same. First petition filed by the petitioners was dismissed as withdrawn as recently as on 16.05.2024.

2. Learned counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in the present case which was registered at the instance of respondent No.2-complainant who had orchestrated a well-planned conspiracy to implicate petitioner No.1 and her family members. While drawing the attention of this Court to allegations levelled in the FIR which has been annexed as Annexure P-1, it has been further submitted that a bare perusal of the same reveals that the ingredients of the offences as alleged are not even made out.

Furthermore, learned counsel has submitted that as per allegations



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levelled the petitioners inflicted injuries upon respondent No.2 besides breaking his spectacles and also tearing his lab coat during the alleged scuffle, however, it was a matter of record that soon after the alleged occurrence, respondent No.2 had given a press interview wherein it was visible that neither were his spectacles broken nor was his lab coat torn which is in direct conflict with the allegations levelled in the FIR in question. Learned counsel, in support, has drawn the attention of this Court to Annexure P-5, which are photographs of respondent No.2-complainant soon after the alleged occurrence wherein he can be seen with his spectacles and his lab coat. It has still further been asserted that qua the same occurrence petitioner No.1 had also moved a complaint to the local police against the complainant with the allegations that he had outraged her modesty, however, the police for reasons best known to them, had not taken any action against the complainant for which petitioner No.1 had moved an application under Section 156(3) of the Cr.P.C. before the ACJM, Pathankot. In his support, attention of this Court has been drawn to Annexures P-4 and P-6.

3. Learned counsel has submitted that no doubt the petitioners had also moved an application for their discharge in the present case, before the learned Trial Court, however, the said application had been erroneously dismissed by the Court only on the ground that certain photographs and other material reports could not be gone into at that stage.

4. A prayer has, therefore, been made that in the facts and circumstances as enumerated hereinabove, it is abundantly clear that the



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petitioners have been falsely implicated in the present case and the FIR in question deserves to be quashed as it would amount to an abuse of the process of law.

5. I have heard learned counsel and perused the relevant material on record.

6. Before proceeding further, it would be apposite to reproduce the allegations leveled in the FIR, which are reproduced as under:-

“Sir, it is submitted that myself Dr. Abhay Garg, have been performing duty as Medical Officer at CHC Sujanpur. On dated 15.05.2020, I was in the office of SMO Sahib, in connection with the duty of COVID-19; then at about 10:20 AM in the morning, ANM Sarbjit (MPHW)F-CHC Sujanpur alongwith her husband Happy Rai, her son Udai son of Happy Rai and one mother person namely Sushil Kumar, who was holding hockey in his right hand, residents of Saini Mohalla, Bajri Company, Pathankot, entered in the office and immediately on arrival, Sarbjit ANM asked her above companions about myself Doctor Abhay Garg, who fixes her duty improperly. The moment she asked them so, her above said three companions came towards me and started giving me filthy abuses loudly. I stopped them from doing so; and I was in the process of getting up from the chair; then Sarbjit's son Udai slapped me on the face and resultanty, my spectacles broke from the left side. After rescuing myself from them, when I was going outside; then all of them started dragging me and resultanty, the surgical gown worn by me, got torn. All this incident was witnessed by Dr. Smt. Neeru Sharma, SMO and Sunil Kumar, Radiographer, CHC Sujanpur, with their eyes, who were present in the office. Sarbjit Kaur ANM in connivance with her husband, son and Sushil Kumar, put hindrance in my duty and while being on government duty, they gave me beatings and dragged me. Strict action be taken against all of these four persons.”

7. In the case of ***State of Haryana and others Vs. Ch.***

Bhajan Lal and others (1992 AIR SC 604), Hon'ble the Supreme Court



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has laid down some crucial guidelines for the High Court in exercise of its inherent powers under Section 482 of the Cr.P.C. to quash criminal proceedings. Hon'ble the Supreme Court identified seven specific scenarios justifying such intervention: if the allegations do not constitute an offense, are absurd and improbable, are legally barred, are malicious or vexatious, do not disclose a prima facie case, pertain to civil disputes given a criminal colour, or amount to an abuse of the process of Court. These guidelines are illustrative, emphasizing that the inherent powers of this Court under section 482 of the Cr.P.C., should be used sparingly and only in rare cases to prevent the misuse of legal process and ensure justice. *Ch. Bhajan Lal's case (supra)* serves as a vital check against frivolous prosecutions, protecting individuals from unwarranted legal harassment while safeguarding legitimate prosecutions.

8. Adverting to the instant case, a perusal of the allegations levelled in the FIR which already stands reproduced in the preceding paragraphs, it stands revealed that all the petitioners were not only named therein but there are specific allegations levelled against them; all the petitioners, with one of them armed with a hockey stick, entered into the office of the complainant, who is a doctor and at that relevant time was on duty, and without any provocation indulged in hooliganism by tearing off his lab coat, breaking his spectacles and with one of the accused also slapping him. Besides this, the complainant was dragged and physically assaulted by all the petitioners in the presence of other doctors who were present in his office.

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9. No doubt, learned counsel for the petitioners has placed reliance on certain photographs (Annexure P-5), an application made to SHO Sujampur, and certain other documents, however, all these documents including photographs, which are yet to be proven, cannot be considered much less appreciated at this stage; the truthfulness or otherwise of the allegations levelled against the petitioners can certainly not be delved into at this stage under Section 482 of the Cr.P.C. by this Court, while exercising its inherent powers under section 482 of the Cr.P.C.; needless to say, the authenticity of the allegations levelled would be appreciated at the time of trial when the parties lead their respective evidence, which in turn would also be tested on the touchstone of cross-examination.

10. Accordingly, the instant petition is hereby dismissed.

11. 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.

31.05.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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