

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

Sr. No.: 116

Criminal Revision No.979 of 2025**Date of Decision: August 26, 2025**Dinesh Mehra

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE SUBHAS MEHLA****PRESENT:** - Mr. Mohan Singh, Advocate, for Mr. J.S. Thind,
Advocate, for the petitioner.Mr. Karan Veer Singh, Senior Deputy Advocate General,
Haryana.**SUBHAS MEHLA, J**

Through the present petition, petitioner has challenged order dated 30.01.2025 passed by the Additional Sessions Judge cum Special Judge, under SC and ST Act, Fatehabad, in case bearing CIS No.152/UCR/2021, wherein the case of petitioner-complainant was remanded to the Court of Chief Judicial Magistrate, Fatehbad as no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SCST Act') was made out.

2. Learned counsel for the petitioner contended that learned Additional Sessions Judge, Fatehabad has wrongly sent back his case while observing that offences under Sections 3(1)(s) and 3(2)(va) of the SCST Act are not made out against accused-Tarun Mehta. The transcript of conversation of Audio Recording between the petitioner, respondent No.2 and other involved persons is attached as Annexure P-3, depicting accused-Tarun Mehta abusing and threatening the complainant. Learned counsel further contended that the investigation was biased due to accused's political influence leading



to FIR's cancellation. Police has failed to conduct a fair probe and witnesses were intimidated by the police officials.

3. Learned State counsel has opposed the prayer made in the petition and submitted that there was no such material in the transcription of audio clip constituting an offence under the SCST Act. Therefore, the Court below was right in remanding the case to the Chief Judicial Magistrate.

4. Heard.

5. Brief facts of the case are that FIR No.665 dated 16.12.2019 under Sections 147, 323, 506 read with Section 149 IPC and 3(1)(s) and 3(2)(va) of the SCST Act was registered on the statement of petitioner-complainant, Dinesh Mehra. During investigation, statements of the parties were recorded under Section 161 Cr.P.C. The petitioner produced his caste certificate and an audio recording of the occurrence. The Investigating Agency concluded that offences alleged are not made out. Resultantly, cancellation report was prepared observing that in order to avoid payment of liquor to the tune ₹ 1,30,000/- to accused Tarun Mehta, the complainant got registered the present FIR. The liquor was arranged by the petitioner for marriage of daughter of one Naresh Mehta. The petitioner-complainant filed the protest petition submitting that the cancellation report was filed under the influence of accused persons and V.K. Shastri, the then DETC.

6. After hearing the parties and on perusal of the case file, the matter has been remanded to the Chief Judicial Magistrate vide the impugned order. Relevant part of the order is reproduced as under:

“8. However, at the same time, the opinion of investigation agency that no offence is made out against the accused, cannot be accepted. From the cancellation report and the annexed documents itself, it is clear that an occurrence did



take place on 13th December 2019 in the office of DETC, Fatehabad at 4:30 pm and again outside the office at around 5:00 pm. The transcript of conversation produced by the complainant would reflect that the accused Tarun Mehta is threatening and abusing the complainant in the office of DETC, Fatehabad. From the statement of the eye witnesses recorded by the investigation agency, it is clear that when the complainant along with his order office colleagues was leaving the office, he was forcibly stopped on the way and intimidated by the accused Taru Mehta and his companions, who also tried to manhandle the complainant. The statement of these witnesses is sufficient to show that such occurrence did take place on the day in question. It is also not the case of investigation agency that no such occurrence took place on the day in question. Therefore, the opinion of investigation agency that no offence is made out against the accused Tarun Mehta is unacceptable.

9. In these circumstances, from the perusal of cancellation report and protest petition, offences under Sections 3(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 are not made out against accused Tarun Mehta. However, from the material on record, other offences under Sections 341, 506, 323 read with Section 511 IPC are made out, prima facie, against accused Tarun Mehta. Since the aforesaid offences are not exclusively triable by the court of Sessions or the Special Court, therefore, the present file is hereby ordered to be sent to the court of learned Chief Judicial Magistrate, Fatehabad and be put up on 10th February 2025 before learned Chief Judicial Magistrate, Fatehabad, who is directed to proceed further with the present case in accordance with law. The complainant through his counsel is directed to appear before the court of learned Chief Judicial Magistrate, Fatehabad on 10.02.2025 at 10.00 AM sharp. File complete in all respect be sent to the court of learned Chief Judicial Magistrate, Fatehabad well in time.”

7. A careful reading of the impugned order coupled with the audio recording clearly shows that no offence under the SCST Act is made out against the accused. Admittedly, the occurrence took place on 13.12.2019 in the office of DETC. There was an altercation between the petitioner and DETC, pursuant to which, on the complaint of petitioner, the present FIR was registered. However, after investigation, cancellation report was presented. On the protest petition filed by the petitioner, the Court below found no



offence against the accused under the SCST Act and remanded matter to Chief Judicial Magistrate to proceed further in regard to offence under the provisions of IPC as those offences were not exclusively triable by the Court of Sessions.

8. A perusal of the transcript of audio clip (Annexure P-5) though reflects an altercation/abuses between the parties but no abuse relating to caste of petitioner finds mentioned therein. The Investigating Agency recorded the statements of alleged eye witnesses namely Rekha Devi, Clerk; Subhash Chander, Clerk; Ajay Ahlawat, Peon; Surender Kumar, Accountant; Sajjan Kumar, Clerk; Hari Singh, AETO; and Surender, Driver in the office of DETC, Fatehabad. However, the complainant has not chosen to examine any of the aforesaid persons in the Court in support of his version nor any list of witnesses was provided with the protest petition. Therefore, the Court below rightly held that allegations of complainant as regards commission of offences under the provisions of SCST Act are not substantiated and the observation of Investigating Agency that these particular offences are not made out, cannot be faulted with.

9. The revisional jurisdiction of the Court can be exercised only to examine the correctness, legality or propriety of an order passed by the trial Court or the inferior Court, as the case may be. The jurisdiction under Section 397 Cr.P.C. is a very limited one. The legality, propriety or correction of an order passed by a Court is the very foundation of exercise of jurisdiction under Section 397 Cr.P.C. but ultimately it also requires justice to be done. The jurisdiction could be exercised where there is palpable error non-compliance with the provisions of



law, the decision is completely erroneous or where the judicial discretion is exercised arbitrarily. The above observation has been derived from **Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460.**

10. In view of the above discussion, this Cour does not find any irregularity or illegality in the impugned order and the same is upheld.

11. Dismissed.

(SUBHAS MEHLA)
JUDGE

August 26, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No