



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

Serial No. 205

**CRM-M-41304-2022 (O&M)
Decided on:26.11.2025**

Uma Shankar Garg

. . . Petitioner

Versus

State of Haryana and another

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

Mr. Amandeep Singh, Advocate
for respondent no.2.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR no. 557 dated 21.10.2019 registered under Section 131 of the Representation of the People Act, 1951 (hereinafter referred to as 'the 1951 Act' and Section 506 IPC at Police Station City Palwal, District Palwal.

2. Learned counsel for the petitioner contended that the FIR was lodged on a complaint by the local MLA during elections to the State Legislative Assembly on 21.10.2019. The allegation was that the petitioner had been threatening the voters while standing at booth no. 54, though no person who was allegedly threatened could be named by the complainant. Nor is there any mention of such a person in the FIR or challan/chargesheet

presented in the case dated 05.11.2019. Accordingly, the offence under



Section 506 IPC is not made. Regarding the offence under Section 131 of the 1951 Act, learned counsel contended that it was on account of the political vendetta that the complaint had been made against the petitioner on fabricated allegations.

3. Learned State counsel as well as learned counsel for the complainant, however, contend that there is sufficient material on record to establish that *prima facie* case against the petitioner is made out. During investigation, statements of the concerned officers-Presiding Officer of booth no. 54, Assistant Presiding Officer, First Presiding Officer, Second Presiding Officer and Micro Observer of the booth and Head Constable on duty at the booth on the day of incident, had been taken, which clearly establish that the petitioner had conducted himself in a disorderly manner and attempted to cast his vote out of turn by threatening the persons standing in the queue as well. Therefore, the offences are clearly made out against the petitioner.

4. Submissions made by learned counsel for the parties have been considered.

5. The provision of Section 131 of the 1951 Act provides penalty for disorderly conduct in or near polling stations. It reads as under:

131. Penalty for disorderly conduct in or near polling stations-

(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or



(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) to (4) xxx xxx xxx

As per statements of the aforementioned witnesses recorded by the investigating agency, which form part of the challan/chargesheet, he *“attempted to enter the voting room without standing in line. When the people standing in line objected, he, along with police official HC Manoj Kumar, explained the matter to him and told him to cast his vote by standing in the queue. However, Uma Shankar started threatening the people standing in line. At that moment, MLA Karn Singh Dalal arrived at the booth and tried to explain the matter to Uma Shankar, but he continued to threaten the voters. MLA Karn Singh Dalal then submitted a written complaint to the police against Uma Shankar.”* Apparently, there are specific allegations of disorderly conduct by the petitioner at the polling booth. He not only attempted to force his way in the booth to cast vote out of turn, but also threatened the persons standing in the queue. These facts have been ascertained on the basis of statements of eye witnesses on official duty at the booth who cannot be believed to be acting under influence of the local MLA, nor is there any material to indicate thus. Accordingly, there is no substance in the arguments that the offences alleged are not made out against the petitioner even *prima facie*.

6. The petition accordingly stands dismissed.



7. The observations in this order have been made only for deciding the petition, and will have no bearing on trial of the case.
8. Pending application(s), if any, also stand(s) disposed of.

26.11.2025

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**(TRIBHUVAN DAHIYA)
JUDGE**

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