

CRR-1583-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.206

Case No. : CRR-1583-2025 (O&M)

Decided On : January 20, 2026

State of Haryana Petitioner
vs.
Tara Chand and others Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Mr. R. K. Singla, Addl. A. G. Haryana.

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SUKHVINDER KAUR, J. :

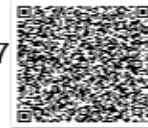
CRM-24728-2025 :

Keeping in view the averments, as made in the application, the same is allowed and delay of 321 days in filing the present revision petition is condoned.

The application stands disposed of.

Main Case :

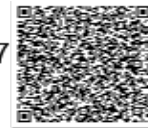
The relevant facts, for adjudication of the present revision petition, are that on 17.11.2021, complainant Asharam son of Nannu, resident of Karimpur, District Palwal, filed complaint before the police, on the basis of which, the present FIR No.0236 dated 17.11.2021, under Sections 147, 149, 323, 325, 427, 452 and 506 IPC was registered at Police Station Hassanpur, District Palwal. After completion of investigation, the final report against the accused persons for commission of offence under

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SC/ST Act was filed in the Court.

Vide the impugned order dated 27.03.2024, the learned Sessions Judge, Palwal held that prima facie charge under Sections 323, 325, 506 read with Section 34 IPC was made out against the accused persons and no prima facie charge under Sections 3(2)(VA)/33/89 of SC/ST Act and Section 452 IPC was made out and the offences, being triable by the Court of Judicial Magistrate Ist Class, the file was sent to the learned Chief Judicial Magistrate, Palwal for conducting trial in accordance with law. Aggrieved against the aforesaid order, the State has filed the present revision petition.

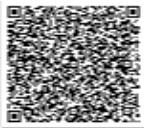
Learned State counsel contended that the accused persons had forcibly and illegally taken possession of the property of complainant Asharam, who belongs to SC/ST community. So, prima facie case for offence under Section 452 IPC and Sections 3(2)(VA)/33/89 of SC/ST Act was also made out against accused persons and charge was also required to be framed for the aforesaid offence, in addition to the offence under Sections 323, 325, 506 read with Section 34 IPC. He contended that learned Sessions Judge had not properly appreciated the material on record while passing the impugned order. During the investigation, it was found that the complainant and his family were in possession of the house, where the incident had taken place and the accused persons had forcibly entered the house and had caused injuries to the complainant and his family members and being co-villagers, they were in the knowledge that the complainant belonged to the Scheduled Caste. He submitted that as such, the impugned order was to be set aside.

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Copy of the FIR (Annexure P-1) has been placed on record. Perusal of the same reveals that this FIR had been registered on the basis of complaint dated 17.11.2021 filed by the complainant before the police. The learned Sessions Judge has rightly observed that it does not disclose anything, as to which property was to be given by Rajesh and whether he had actually delivered the possession or not. After selling the entire property in the year 2006, Rajesh started residing at Hodal. In the impugned order, it has also been observed that the accused persons allegedly purchased the disputed property from Savita, as evident from her statement dated 28.01.2023 and thus, accused persons were the owners of the property and possession had been delivered in favour of Smt. Kesari – co-accused. It has been further observed that thus, it cannot be said that the complainant was in possession of said house. It has been rightly held that as the property, in which the accused persons alleged to have entered, is owned and possessed by them, so, no offence under Section 452 IPC is made out.

Annexure P-1 is also completely silent regarding any allegation that accused persons had used abusive language in the name of caste against the complainant and no such material has been placed on record that the alleged incident had taken place solely due to the reason that the complainant belongs to Scheduled Caste. Thus, it has been rightly observed by the learned Sessions Judge that prima facie, no offence under Section 452 IPC and Sections 3(2)(VA)/33/89 of SC/ST Act was made out.

In view of the aforesaid, this Court does not find any ground to interfere with the impugned order dated 27.03.2024 passed by learned



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Sessions Judge, Palwal, which does not suffer from any patent infirmity or illegality. Accordingly, there is no merit in the present revision petition and the same stands dismissed.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present revision petition.

Pending application(s), if any, shall stand disposed of along with the present revision petition.

January 20, 2026
monika

(SUKHVINDER KAUR)
JUDGE

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