
(2014) 05 P&H CK 0249
In the Punjab And Haryana At Chandigarh
Case No : Criminal Misc. No. M-3397 of 2014

Daljit Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 26-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120-B, 420

Citation : (2014) 05 P&H CK 0249

Hon'ble Judges : Muttaci Jeyapaul, J

Bench : Single Bench

Advocate : J.S. Thind, Advocate for the Appellant; S.S. Chaudhary, DAG,
Advocate for the Respondent

Final Decision : Allowed

Judgement

M. Jeyapaul, J.—The Petition is filed by Daljit Kaur one of the accused in First Information Report No. 28 dated 23.2.2011 registered for the offences under Sections 420/120-B of the Indian Penal Code praying for quashing the said criminal proceedings.

2. The core allegation found in the complaint is that the petitioner Daljit Kaur who was serving as Sarpanch submitted a wrong verification report which culminated in sanctioning of Rs. 15000/- under Shagun scheme to the co-accused Baldev Singh.

3. Heard the submissions made on either side.

4. Annexure P-2 would demonstrate that the co-accused Baldev Singh submitted an application before the Sub Divisional Magistrate Khadoor Sahib praying for issuance of low income certificate. Tehsildar Khadoor Sahib (Tarn Taran) having thoroughly verified the same issued certificate to Baldev Singh to the effect that he belonged to scheduled caste community and he being a labourer his annual income was below Rs. 20,000/-. The community certificate was appended as

Annexure P-3. It will reflect that co-accused Baldev Singh belonged to scheduled caste community. Director Village Panchayat department having adverted to such an allegation found that only on wrong facts a case has been lodged as against the petitioner who was Sarpanch and co-accused Baldev Singh.

5. To top it all the co-accused Baldev Singh with a view to safe his face from the criminal prosecution chose to repay the entire amount of Rs. 15,000/-.

6. In view of the facts and circumstances, I find that there is no ground subsists to prosecute not only the petitioner Daljit Kaur, Sarpanch of the village and the co-accused who has not approached this Court praying for quashing the criminal prosecution u/s 482 of the Code of Criminal Procedure. This Court has inherent jurisdiction to quash the proceedings established against the faceless persons as well to secure the ends of justice.

7. In view of the above, the entire criminal proceedings in First Information Report No. 28 dated 23.2.2011 registered for the offences under Sections 420/120-B of the Indian Penal Code and the consequential proceedings qua the petitioner Daljit kaur and against the co-accused Baldev Singh stand quashed.

8. The petition is allowed.