
(1991) 11 P&H CK 0044

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 6514-M of 1991

Kuldip Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 29-11-1991

Acts Referred:

Citation : (1992) 2 RCR(Criminal) 102

Hon'ble Judges : S.S.Grewal, J

Advocate : Gulshan Kumar Sharma, Bipin Ghai, Advocates for appearing Parties

Judgement

S.S. Grewal, J.

1. The present petition under section 482 of the Code of Criminal procedure, relates to quashment of impugned first information report No. 150 dated 7.5.1991 registered at Police Station Sadar, Ferozepur, under Section 325 (sic) of the Indian Penal Code, being illegal and abuse of the process of the court.

2. In brief, the facts relevant for the disposal of this case, emerge from the impugned first information report recorded on the basis of the written report made by Dr. Manmohan Singh Dhillon, Senior Medical Officer, are to the effect that the first informant alongwith Dr. Rajinder Manchanda and Basic Health worker Charanjit Singh went to attend the handicap camp at Gatti Rahimake on 22.1.1991. About 200 certificates were issued to the handicapped persons. The Block Development Officer and his two panchayat Secretaries manhandled Dr. Manmohan Singh Dhillon physically and also abused the first informant and the other doctor who accompanied him, in dirty language. They also tried to instigate the public to manhandle Dr. Manmohan Singh Dhillon and the medical staff. The Block Development Officer also threatened Dr. Manmohan Singh and others that in case they reported the matter to the higher authorities, they would face dire consequences.

3. The main grievance of the petitioners is that it is not mentioned in the F.I.R. that any injury was caused to the complainant and even the names of the

petitioners Gurcharan Singh and Jagdish Lal panchayat Secretaries, do not find mention in the F.I.R. It was also pleaded that the handicap camp held by the District Administration was for examining the persons and to issue certificates to those who were really handicapped. The Block Development Officer told the Medical Officers not to harass the people to pressurise them for extraneous considerations and that intervention resulted in exchange of harsh words as the doctors had abused, pushed the handicapped persons and insulted the Panches and Sarpanches. It was further pleaded that the Deputy Commissioner initially ordered to hold an inquiry by the S.D.M. Forozepur but later on the said inquiry was transferred to A.D.C. (Development) and that Additional Deputy Commissioner in his inquiry had held that the allegations against the petitioners were baseless. It is also mentioned in the petition that after Manmohan Singh Dhillon manipulated medical certificate, which, reveals reddish contusion on the neck and an abrasion just behind the right pinna and complaint about pain in the right ear and deafness, this case was got registered after four months of the alleged occurrence.

4. The learned State counsel submitted that the case is still at the investigation stage and the investigating agency would submit the report after proper investigation.

5. There is considerable merit in the contention raised by the counsel for the State. It not the case of the petitioners that the investigating agency had completed its investigation already so far or had submitted any report against the petitioners. No ground for quashment of the impugned first information report at this stage has been made out. Nor at present it can be held that the impugned first information report or proceedings taken thereunder would amount to abuse of the process of the court. This petition is accordingly dismissed.