
(2015) 09 JH CK 0078

In the Jharkhand High Court

Case No : Criminal M.P. No. 1002 of 2008

Yashwant Singh and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-09-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(iv)

Citation : (2015) 4 JLJR 334

Hon'ble Judges : Harish Chandra Mishra, J.

Bench : Single Bench

Advocate : Rajesh Kumar, for the Appellant; Mukesh Kumar, for the Respondent

Final Decision : Allowed

Judgement

Harish Chandra Mishra, J.—Heard learned counsel for the petitioners and the learned counsel for the State as also learned counsel for the opposite party No. 2. This application has been filed for quashing the entire criminal proceeding, including the F.I.R. in Sector-IV, S.C./ST. P.S. Case No. 2 of 2008, corresponding to G.R. No. 212 of 2008, instituted for the offence under Sections 3(1)(iv) and (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The F.I.R. shows that the informant along with his family members and all the members of the Santhal Samaj had gone to the land in question, which is alleged to be illegally claimed by the accused persons. It is alleged in the F.I.R. that the accused persons had abused and insulted the informant in the name of his caste, and accordingly the F.I.R. was lodged, on the basis of which Sector-IV, S.C./S.T. P.S. Case No. 2 of 2008, corresponding to G.R. No. 212 of 2008, was instituted for the offence under Sections 3(1)(iv) and (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in this case and the F.I.R. itself would show that the

informant party was the aggressor in the case. It is submitted by learned counsel for the petitioners that the petitioners are living on the land in question after constructing their house, which was attacked by a mob of about 400 to 500 persons and they committed mischief in the house of the petitioners damaging the property of the petitioners. In this connection, learned counsel has brought on record Annexure-5, which is a report submitted by the Officer In-charge of Dugda Police Station, which shows that there was land dispute between the parties and on the date of occurrence about 400 to 500 persons had attacked the house of the petitioners and committed mischief in various ways damaging the household articles and vehicles of the petitioners. The report shows that it was very difficult for the police party to control the mob and in order to maintain the law and order situation, the police party had to be deployed along with the Magistrate. Learned counsel has submitted that the F.I.R. has been filed absolutely with the false and malicious allegations and it is a fit case for exercise of the inherent power under Section 482 of the Cr.P.C., for quashing the F.I.R.

4. Learned counsel for the State as also learned counsel for the opposite party No. 2 have opposed the prayer. It is submitted by learned counsel for the informant opposite party No. 2, that land dispute apart, but in view of the allegations made in the F.I.R., the offence is clearly made out against the petitioners and as such the F.I.R. cannot be quashed at this stage.

5. Having heard teamed counsels for both the sides and upon going through the record, I find that even from the F.I.R. it is apparent that the informant's side was the aggressor as it is stated that the informant along with his family members and all the members of the Santhal Samaj had gone to the place of occurrence, which is a land in dispute, which was being claimed by the accused persons. The report clearly shows that there was house of the accused persons, which was attacked by about 400 to 500 persons and they committed mischief in various ways, damaging the household articles and also damaging the vehicles of the petitioners.

6. In that view of the matter, I find force in the submission of the learned counsel for the petitioners and for land dispute, the petitioners have been implicated in this case, in order to wreak vengeance against the petitioners, and in any view of the matter the informant side was the aggressor in the case.

7. In the facts of this case, I am of the considered view that it is a fit case for exercising the inherent power under Section 482 of the Cr.P.C., for quashing the F.I.R. against the accused persons. Accordingly, the F.I.R. in Sector-IV, S.C./S.T. P.S. Case No. 2 of 2008, corresponding to G.R. No. 212 of 2008, as also the entire criminal proceeding against the petitioners in the said case, are hereby, quashed. This application is accordingly, allowed.