

Prem Lata and others

Vs

State of Punjab

Criminal Appeal No., 464 of 1978.

(P.B. Sawant, K. Ramaswamy JJ)

10.08.1990

ORDER

1. The criminal proceedings which are the subject matter of this appeal essentially arise out of a dispute between the tenant and the landlord. The third appellant had taken house on rent from the landlord, Roshan Lal. In the tenanted premises a school was being run of which the first appellant who is the mother of the tenant, Vijay Kumar, was running a school (sic). She was also the principal of the school. It appears that the tenant, Vijay Kumar, purchased a small plot of land adjoining the tenanted premises and he wanted to make construction on the said plot. The landlord got his cousin, namely, Prakash Chand, to file a suit for injunction against Vijay Kumar. It is the case of the complainant who was the process server that when he went to serve the summons of the said suit, the tenant, Vijay Kumar, his father, Banarsi Dass, and his mother, Prem Lata, obstructed the service and abused and assaulted him. They also threatened to kill him on the ground that he had brought a forged summons to serve upon them. He made a report of the alleged incident and on that report, the State instituted criminal proceedings in the Court of the Additional Chief Judicial Magistrate, Patiala for the offences under Sections 353, 506, 186 read with 34, 504 and 173 of the Indian Penal Code. At that stage and before the charge could be framed, the appellants objected to the framing of the charge on certain grounds. The learned Magistrate accepted the plea and refused to frame the charge. Against the said order, the State preferred a revision before the Additional Sessions Judge, Patiala who allowed the said application and directed the learned Magistrate to proceed to frame the charge. Against the said decision, the appellants preferred a writ petition before the Punjab and Haryana High Court. The High Court dismissed the writ petition. It is this judgment which is the subject matter of the present appeal.

2. None appears for the State before us. Mr. Jam, learned Counsel for the appellants informs us that the main dispute in the suit has since been compromised and the parties are living amicably. The incident is of April 7, 1975. More than 15 years have since elapsed. We find that no useful purpose will now be served by proceeding with this criminal prosecution and the interest of justice also do not require that the proceedings should proceed any further. On this short ground and without going into the merits of the case either legal or factual, we quash the proceedings pending before the learned Magistrate. The appeal is allowed accordingly.

Appeal allowed.

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