

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No.A-984-MA of 2015

Date of Decision : August 18, 2015

Kaptan Singh

.....Applicant

VERSUS

Rajbala and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. Sharad Aggarwal, Advocate

T.P.S. MANN, J.

The complainant has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 11.3.2015 passed by the Judicial Magistrate 1st Class, Pataudi whereby the respondents stand acquitted of the charges under Sections 420, 467, 468 and 471 read with Section 120-B IPC.

The case of the complainant, in nutshell, was that the accused persons hatched a criminal conspiracy to cause wrongful loss to him and pursuant thereto suffered false and fictitious registered sale deed bearing Vasika No.15 dated 2.4.2007 in favour of Rajesh Devi despite the fact that they had no legal right to sell his plot measuring 147 square yards situated within the limits of Municipal Committee, Farrukh Nagar, Ward No.11, Gurgaon but the sale deed was suffered on the basis of false certificate issued by accused Maman Yadav, Anil Kumar and Pameshwari Devi being Municipal Counsellors.

Having heard learned counsel for the applicant and on

going through the impugned judgment passed by the trial Court, this Court finds that the complainant has not been able to establish that not only the accused had cheated someone but in doing so, he had dishonestly induced the person so cheated to deliver the property. Neither any inducement was given by the accused to the complainant/applicant nor he was asked to deliver the plot in question in pursuance of said inducement. Further, the issuance of certificate by the Municipal Councillors did not amount to making of false document because a false document is made only when a person dishonestly or fraudulently makes it with the intention of causing it to be believed that such document was made by someone else.

It may not be out of place to mention here that the applicant continues to remain in possession of the plot which was subject matter of the registered sale deed bearing Vasika No.15 dated 2.4.2007. As such it cannot be said that the applicant had been made to deliver the plot in favour of the vendee under the aforementioned sale deed.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

The application is without any merit and, therefore, dismissed.

Special leave to appeal is declined.

**(T.P.S. MANN)
JUDGE**

August 18, 2015

**(GURMIT RAM)
JUDGE**