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

CRM-M-12228 of 2014

Date of Decision: December 03, 2015

Bhagwant Kaur

.....Petitioner

Versus

Charanjeet Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. N.K. Manchanda, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 25.05.2013 and 15.11.2013, whereby, complaint filed by the petitioner against the respondents under Sections 406, 500/34 of Indian Penal Code, 1860, was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

The case of the petitioner-complainant, in brief, was that 500 KVA transformer belonging to her was given to the accused who were running a steel rolling mill in the name and style of M/s Nabha Industrial Corporation, Amloh Road, Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib and M/s Matharu Steel Rolling Mill, Mandi Gobindgarh. Accused had promised to return the transformer as per demand made by the complainant. However, accused failed to return the transformer and agreed to pay ₹1,30,000/- to the complainant on 07.09.1997. A compromise was executed between the parties in this regard. However, accused had failed to honour

the said compromise.

Trial Court while dismissing the complaint has noticed that the petitioner had failed to prove on record any document showing that she was the proprietor of M/s Sandeep Electrical Engineer or was the owner of the transformer in question. The compromise Exhibit C-1 alleged to have been executed between the parties did not bear the signatures of the complainant. It has further been noticed by the trial Court that the factum of defaming the complainant by the accused on account of their complaint before the Human Rights Commission was also not proved on record as no document in this regard was proved on record.

It has further been noticed by the Court of revision that the compromise Exhibit C-1 was executed in the year 1997, whereas, the complaint in question was filed in the year 2007. Hence, no prima-facie case for summoning the respondents to face the trial was made out.

In the facts and circumstances of the present case, the Courts below had rightly dismissed the complaint filed by the petitioner.

No ground for interference is made out.

Dismissed.

(SABINA)
JUDGE

December 03, 2015
mahavir