

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

**Crl. Misc. No. M-15405 of 2015
Date of Decision: 02.11.2015.**

Om Parkash

.....Petitioner

Vs.

Sushila Devi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S.Ghuman, Advocate
for the petitioner.

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SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the orders dated 27.1.2012 (Annexure P-5) and 12.5.2014 (Annexure P-7).

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

Case of the complainant, in brief, was that accused Chander Bhan Duggal had agreed to sell his residential house to the complainant for a sum of ₹ 7,45,000/-. Agreement to sell was scribed on 8.3.2007 but was got attested from the Notary Public on 9.3.2007. At the time of execution of the agreement to sell, accused Chander Bhan Duggal had received ₹ 1,00,000/- in cash by way of earnest money. Sale deed was to be executed on 27.4.2007. However, on the date fixed for execution of the sale deed, Chander Bhan Duggal accused showed reluctance to execute the sale deed and later refused to get the sale deed

executed in favour of the complainant or return double the amount of earnest money. It was further the case of the complainant that the other accused had also conspired with accused Chander Bhan Duggal in the commission of offence.

In support of his case, complainant led his preliminary evidence. Trial Court vide order dated 1.6.2010 (Annexure P-4), ordered the summoning of the accused to face trial under Section 406, 420, 506, 120-B of the Indian Penal Code, 1860. Thereafter, complainant led his pre-charge evidence.

Learned Trial Court vide order dated 27.1.2012 (Annexure P-5) ordered the framing of charge against accused Chander Bhan Duggal but discharged the present respondents. While discharging the respondents, the Trial Court held that the respondents had not played any role at the time of commission of the offence.

Complainant challenged the said order by way of revision. The Court of Revision vide order dated 12.5.2014 dismissed the revision petition. It has been noticed by the Court of Revision that so far as the respondents are concerned, they had neither signed the agreement to sell in question as the attesting witnesses nor had executed the agreement to sell in question. Therefore, so far as the respondents are concerned, no offence could be said to have been committed by them. The reasons given by the Court of Revision while upholding the order of discharge of the respondents are sound reasons. So far as the respondents are concerned, they had not executed the agreement to sell in question nor they had attested the same. Hence, it could not be said that the respondents had also

conspired with accused Chander Bhan Duggal at the time of commission of the alleged offence.

It is a settled proposition of law that the petitioner cannot invoke jurisdiction of this Court under Section 482 Cr.P.C. after dismissal of his revision by the Sessions Court as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.

In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court under Section 482 Cr.P.C.

Keeping in view the facts and circumstances of the present case, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

November 02, 2015
Gurpreet