

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

**Criminal Misc. No. M-16152 of 2015
Date of Decision: 07.09.2015**

Col. Charan Jeet Singh (Retd.)

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Prateek Rathore, Advocate
for the petitioner (s).

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 CrPC is for registration of criminal case against respondents no.4 and 5 on the basis of complaint dated 16.10.2014 (Annexure P8) which has been declined by the police on flimsy grounds vide letter dated 18.3.2015 (P-10).

The petitioner who is pleaded to be a decorated disabled retired officer from Indian Army has filed the present petition claiming that he is a victim of fraud committed by respondents no.4 and 5. Whereas respondent no.4 was the President of the society namely *Shanti Niketan House Building Co-op. Society, Ambala Cantt.*, the

respondent no.5 is the brother of respondent no.4. The petitioner had purchased a piece of plot measuring 200 square yards comprised in khasra Nos.35/7 and 35/8 in Village Shahpur, District Ambala in the Society by paying membership fee to the tune of Rs.62,000/- from his hard earned money in the year 1992. The aforesaid payment was made to respondent no.5. After payment of the aforesaid amount, the private respondents issued allotment letter to the petitioner on behalf of the Society on 1.10.1992. As per the allotment letter, out of the land purchased by the Society comprising in khasra Nos.35/7 and 35/8 through registered vide sale deed dated 10.6.1992, the Society has developed a residential colony known as Shanti Niketan, G.T. Road, Ambala Cantt. and the allottee members were to observe all the Municipal bye-laws and shall be responsible for the payment of taxes etc. in respect of the plot and shall indemnify the Society against all such claims of taxes etc.

Learned counsel for the petitioner contends that the aforesaid allotment letter clearly conveys that the land falls within the Municipal limits of Ambala, but in fact it does not fall in the Municipal limits. Thus, the hard earned money of the petitioner has been misutilised. Learned counsel further argued that respondents no.4 and 5 kept the petitioner in dark and extracted money by issuing false allotment letter. While issuing the allotment letter, they had clear knowledge that they are passing wrong information to the petitioner. In this manner, the hard earned money of the petitioner

has been taken by respondents no.4 and 5 without there being any possession of the said land. The petitioner even got Legal Notice dated 18.8.2015 (Annexure P-7) issued to respondent no.4 and also submitted a complaints dated 16.10.2014 (Annexure P-8 and P-9), but no response was received from respondent no.4. However, on the basis of aforesaid complaint, the Deputy Superintendent of Police, Ambala has passed the following order:-

“Subject: Complaint of Col. Charaneet Singh (Retd.)

On the abovementioned subject after the receipt of your letter no.35350/P/278 dated 16.12.2014 report of Deputy Superintendent of Police has been received. As per the report received from him, it is found that the case is pending in the Hon'ble Court regarding the enhancement of compensation for the land acquired by HUDA. As per investigation it is found that no cheating has been committed and nor any commission of any serious offence has been made out.

As per the report your complaint has been disposed of.

*Sd/-
Deputy Superintendent Police, Ambala”*

The aforesaid communication dated 18.3.2015 (Annexure P-10) from the Deputy Superintendent of Police, Ambala clearly reveals that after investigation, neither any cheating nor commission of any serious offence has found.

Thus, in view of law laid down by Hon'ble the Apex Court

in the case of **Skiri Wasu Vs. State of Uttar Pradesh and others,**
2008(1) RCR(Criminal) 392, no ground for issuing any direction vis-a-vis the prayer made in this petition filed under Section 482 CrPC is made out.

Dismissed.

However, the petitioner is at liberty to avail alternative remedy as available to him in view of the judgment in the case of **Skiri Wasu Vs. State of Uttar Pradesh and others** (*supra*).

September 07, 2015
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(**HARI PAL VERMA**)
JUDGE