

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

**CRM-M 27093/2015
Date of decision:21.08.2015**

Harvinder Kaur

.....Petitioner

v

Shiv Lal and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Vijay Rana,Advocate for the petitioner.

Jaswant Singh,J.

 Petitioner, legal representative of complainant-Tarsem Lal, in the present petition under Section 482 Cr.PC has laid challenge to the order dated 15.2.2012 (P-5) passed by learned JMIC,Hoshiarpur whereby accused-respondents in a criminal complaint for the offences under Sections 420,467,468,471,417 and 120-B IPC were discharged of the aforesaid offences. Further challenge is to the order dated 28.4.2015 (P-7) passed by learned Additional Sessions Judge, Hoshiarpur whereby the revision petition filed by the petitioner was dismissed.

 Briefly stated, Tarsem Lal-complainant (father of the petitioner) filed a complaint for the offences under Sections

420,467,468,471,417,418 and 120-B IPC against accused-respondents alleging therein that he alongwith Ram Piari, mother of accused-respondent no.2 purchased land measuring 1 kanal 8 marlas to the extent of half share each from accused-respondent no.1 Shiv Lal vide sale deed dated 31.12.1997. It was further alleged by the complainant that he could not get mutation of the said land sanctioned in his favour and taking advantage of that accused-respondent no.1 hatched conspiracy with other accused and again sold the said land to Narinder Kumar, accused-respondent no.2. It was alleged that in this manner the accused respondents in connivance with each other cheated the complainant and thus caused wrongful loss to him and wrongful gain to accused-respondent no.2 Narinder Kumar.

The learned trial Court after going through the pre-charge complaint evidence and hearing arguments on the framing of charge, discharged all the accused of the aforesaid offences vide impugned order dated 15.2.2012. The revision filed by the complainant (since deceased and represented by petitioner) was also dismissed by the learned Additional Sessions Judge, Hoshiarpur vide impugned order dated 28.4.2015. Hence the present petition under Section 482 Cr.PC.

After hearing the learned counsel for the petitioner and going through the impugned orders, I find no merit in this petition and the same is liable to be dismissed.

The learned Additional Sessions Judge has noticed that the complainant did not produce first sale deed dated 31.12.1997 whereby

the land in question was sold to him and Ram Piari, mother of accused-respondent no.2 to the extent of half share each. No reason was given by the complainant for non-production of the said sale deed. It has been noticed by the learned Additional Sessions Judge that complainant in his cross examination admitted that the sale deed had been validly executed in favour of Narinder Kumar-accused respondent no.2 and that no fraud has been committed with the complainant. Complainant further admitted that possession of the land in question was with accused-respondent no.2 Narinder Kumar. I am further in agreement with the observations of the courts below that offence, if any, has been committed against accused-respondent no.2 by accused-respondent no.1 and complaint, if any was liable to be filed by accused no.2. Further the second sale deed will not have any effect on the rights of the complainant, as correctly observed by the learned Additional Sessions Judge in his order dated 28.4.2015.

In view of the above, finding no merit in this petition the same is hereby dismissed.

21.08.2015.
joshi

(Jaswant Singh)
Judge