

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-35029 of 2011 (O&M)
Date of Decision: January 12, 2015

Ranjeet Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Petitioner-in-person.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.R.S.Pandher, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners Ranjeet Singh and Inderjeet Singh have filed this petition under Section 482 Cr.P.C. for quashing of order dated 29.07.2011 passed by learned Addl. Sessions Judge, Ludhiana and order dated 08.02.2011 passed by learned Judicial Magistrate Ist Class, Jagraon.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard petitioner-in-person as well as learned State counsel and learned counsel for respondent No.2 and have gone

through the record.

First of all, the petitioners in this petition have challenged the order dated 29.07.2011 passed by learned Addl. Sessions Judge, Ludhiana and the order dated 08.02.2011 passed by learned JMIC, Jagraon in case FIR No.233 dated 26.09.2009 under Sections 420 and 120-B IPC registered at Police Station City Jagraon.

It is mainly stated in the petition that a false case was registered by Ishar Singh at the behest of inimical person. In fact the dispute between the parties is purely of civil nature. The sale deed agreement clarifies that no dishonesty is committed by the petitioners but the complainant stated that he has been defrauded by the petitioners.

The perusal of the record shows that the trial court vide order dated 08.02.2011 framed the charges against the present petitioners under Section 120-B and 420 IPC. The petitioners filed revision petition before learned Addl. Sessions Judge, Ludhiana and remedy has already been availed under Cr.P.C. to file revision. Vide impugned order dated 29.07.2011, learned Addl. Session Judge, Ludhiana dismissed the revision holding that the trial Court has framed the charges after considering the documents placed on the file.

It is settled law that at the time of framing of charge, the Court is not to weigh the evidence for the purpose of conviction. The Court is only to see whether prima facie case is made out or not. At this stage, the Court is only to see whether it is a case of no evidence

or of some evidence. At this stage, documents of the accused as well as his version is not to be seen. Only prosecution version and documents relied upon by the prosecution are to be seen. Even a strong suspicion is sufficient for framing of the charge.

From the perusal of the FIR, in no way, it can be held that it is a case of civil nature. There is specific allegation against Inderjeet Singh that he fraudulently made the agreement of sale. The findings of civil Court given in the civil suit cannot be seen at this stage. In this case, as argued by learned State counsel, there is report of FSL regarding thumb impression collected and thumb impression on the agreement.

Otherwise also, the petitioners have come to this Court for challenging the order passed in the revision. As per Section 397(3) Cr.P.C., second revision is not maintainable and the petitioners have filed the present petition under Section 482 Cr.P.C. in the guise of second revision.

Therefore, finding no merit in the present petition, the same is dismissed.

January 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE