

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

**CRM No.M- 32817 of 2014
Date of decision: 22.01.2015**

Rajinder Kumar

....Petitioner

Versus

Raman Garg

....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA.

Present: Mr. S.S. Momi, Advocate
for the petitioner.

SABINA J.

Petitioner has filed this petition challenging the order dated 18.01.2013, whereby respondent was ordered to be discharged.

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

Petitioner had filed the complaint Annexure P-1. Case of the petitioner in brief was that he had deposited Rs.1950/- with accused- Company through the respondent for purchase of share in the Company. Respondent gave two cheques in the sum of Rs.15,000/- each to the petitioner which were duly encashed by the petitioner. Company wrote a letter to the petitioner dated 20.05.2003, wherein it was stated that the remaining amount

would be sent to the petitioner in installments within two months. Petitioner had failed to receive the said amount. Petitioner later came to know that he had been cheated by the respondent.

In support of his case, petitioner led his preliminary evidence. Trial Court vide order dated 24.08.2006, ordered the summoning of the accused qua commission of offence punishable under Section 406, 420, 506, 467, 468 and 471 of the Indian Penal Code, 1860. Thereafter, name of accused No.2, was deleted from the array of parties vide order dated 18.08.2009. Vide the impugned order, respondent was ordered to be discharged after the petitioner led his pre-charge evidence.

Trial Court while ordering the discharge of the accused has held that the petitioner had purchased the shares of the accused-Company through the respondent and had made the payment of the amount in question to the respondent. The investment made by the petitioner was subject to the terms and conditions mentioned in Exhibit C-1 and Exhibit C-2. The two cheques in the sum of Rs.15,000/- each were encashed by the petitioner. However petitioner had failed to lead evidence to the effect that Exhibit C-1 and Exhibit C-2, were forged and fabricated documents. The cheques in the sum of Rs.15,000/- each were received by the petitioner from the company and he had encashed the same. It also transpired that petitioner was a tenant under the respondent and civil litigation was pending between them. In the

facts and circumstances of the present case, the learned trial Court has rightly ordered the discharge of the respondent. It is possible that due to tenant and landlord relationship between the parties and pendency of civil litigation between them, complaint in question had been filed by the petitioner against the respondent. No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

22.01.2015

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