

CRM-M-36177-2015

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In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:20.10.2015

Harish Kumar

...Petitioner

Versus

Janak Rani

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashok Kumar Sharma, Advocate.
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 25.05.2009, whereby, respondent was not ordered to be summoned to face the trial as an accused.

Learned counsel for the petitioner has submitted that husband and son of the respondent had taken signatures of the petitioner on blank papers and on the said papers agreement to sell and rent note had been forged. Respondent and her husband had filed a suit for specific performance of agreement to sell and the same was dismissed. The appeal filed against the order/judgment passed by the trial Court was dismissed by the First Appellate Court. However, Regular Second Appeal filed by the respondent and her husband was allowed. Now, the matter is pending before the Apex Court

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and the operation of the judgment/decreed passed by this Court has been stayed.

Case of the petitioner, in brief, is that he took a loan of of ₹50,000/- from Amar Nath Bansal and his son Pushpinder Bansal. At the time of advancement of loan, Amar Nath Bansal and his son took signatures of complainant on two blank stamp papers. Three cheques were given by the complainant by way of security. Amar Nath Bansal was in the habit of taking signatures of persons on blank stamp papers. Amar Nath Bansal also took signatures of Neelam Bhandari on blank stamp papers and he had failed to return the same after she had returned the loan amount. Amar Nath Bansal and his son had failed to return the blank signed stamp papers to the complainant after he returned the entire amount to them. Accused, with *mala fide* intention have forged an agreement to sell dated 12.02.1999 qua the house of the complainant on the blank signed papers and had also forged rent note dated 12.02.1999 and receipt dated 12.05.1999. In this regard, complainant lodged FIR No.259 dated 25.07.2000 against Amar Nath Bansal, his wife and son. However in the said case, cancellation report was submitted. Amar Nath Bansal and his wife had filed a suit for specific performance on the basis of agreement to sell dated 12.02.1999 and the same was dismissed by the trial Court. Hence, the complaint

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in question was filed.

In support of his case, petitioner led his evidence. The trial Court vide impugned order ordered the summoning of Amar Nath Bansal and his son Pushpinder Bansal to face the trial qua commission of offence punishable under Sections 420, 467, 468, 471 and 120-B IPC. So far as respondent is concerned, the trial Court held that there was no prima facie material available on record to order her summoning to face the trial. In this regard, learned Trial Court held that the allegations were levelled against accused Amar Nath Bansal and his son Pushpinder Bansal that they took the signatures of the complainant on blank stamp papers and had also received three cheques by way of security. However, after the repayment of loan they had refused to return the blank signed papers as well as the cheques. It has been noticed by the trial Court that the finding of the Civil Court was that accused Amar Nath Bansal was in the business of moneylending and used to take signatures of the persons who took loan from him on blank papers. Placing reliance on the said findings given by the Civil Court, the trial Court held that there was prima facie sufficient material to proceed against accused Amar Nath Bansal and his son Pushpinder Bansal. So far as respondent is concerned, there is no specific allegations against her that she was also involved in the transaction. Although, the

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agreement to sell in question was created in favour of the respondent and her husband but there was no prima facie material available on record to suggest that respondent was also party to the forgery. Thus, the Court of revision had also rightly dismissed the revision petition filed by the petitioner vide order dated 23.02.2015. The reasons given by the trial Court while holding that respondent was not required to be summoned to face the trial are sound reasons.

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.

October 20, 2015
kapil

(SABINA)
JUDGE