

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

**CRR No. 1353 of 2015 (O&M)
Date of Decision: 9.10.2015**

Narinderpal Singh

.....Petitioner

Vs.

Gurjit Kaur and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAMESHWAR SINGH MALIK J.

Feeling aggrieved against the order dated 15.10.2013 passed by the learned Principal Magistrate, Juvenile Justice Board, Sangrur, whereby respondent-juvenile was discharged, complainant-petitioner has approached this Court by way of present criminal revision petition.

Brief facts of the case, as recorded by the learned Principal Magistrate, Juvenile Justice Board, in para 2 of his impugned order, are that an application was moved by the complainant-petitioner to the SSP for taking action against Gursewak Singh alias Sewak son of Lacchman Singh, Manjit Kaur alias Mani wife of Gursewak Singh, Khushaldeep alias Deepi son of Gursewak Singh, Makhan Lal son of Lachhman Singh, Raj Kaur wife of Makhan Singh, Hanso Devi alias Hanso wife of Lachhman Singh, residents of

Sunam. The allegations against the accused were that accused persons had taken gold ornaments from the complainant about 1-1/2 years back before filing of the application, in order to pledge the same for the marriage of the juvenile Gurjit Kaur. That the jewellery was not redeemed by the accused persons and when the complainant asked for the jewellery, they prevaricated; that accused offered to sell a plot in Bathinda. That the complainant paid an amount of ₹10,47,920 in cash withdrawing the amount from FDRs in the name of children of the complainant. But the plot was disputed. Now the accused persons refused to return the amount. That the Panchayati compromise was effected and pronote dated 29.5.2012 was executed by the accused persons and they also agreed to return the gold as well as amount on or before 1.10.2012. A register was maintained by the juvenile which was also offered to be handed over to the complainant as security. That the accused persons have cheated the complainant. That there was criminal conspiracy between all the accused.

Learned counsel for the petitioner submits that learned Principal Magistrate, Juvenile Justice Board, misdirected himself, while passing the impugned order of discharge. There was sufficient evidence available on record to frame charge against the respondent. However, since the learned court below failed to appreciate the cogent and convincing evidence, the impugned order has resulted in serious miscarriage of justice and the same is liable to be set aside. He prays for setting aside the impugned order, by allowing the present criminal revision petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, instant one has not been found to be a fit case warranting interference at the hands of this Court, while exercising its revisional jurisdiction, which itself is a limited one. To say so, reasons are more than one, which are being recorded hereinafter.

A bare reading of the impugned order would show that there was no allegation against the respondent-juvenile. Whatever were the allegations, that were only against the parents of the juvenile. It was also found by the learned Principal Magistrate, Juvenile Justice Board, that merely because some register of liabilities was maintained by the juvenile, it was not appropriate to serve notice of accusation on the juvenile. Having said that, this Court feels no hesitation to conclude that learned Principal Magistrate committed no error of law, while passing the impugned order and the same deserves to be upheld.

The relevant observations made by the learned Principal Magistrate, Juvenile Justice Board, in para 4 and 5 of the impugned order, which deserves to be referred to here, read as under:-

“We have perused the file with the assistance of learned defence counsel. There is no allegation against the juvenile that she ever induced the complainant to deliver any jewellery or had taken any amount from the complainant. All the

allegations are against the parents of the juvenile. Merely, because some register of liabilities was maintained by the juvenile is not sufficient to serve the notice on the juvenile.

In view of the above discussion, we are of the opinion that juvenile has not committed any act for which she can be termed to be in conflict with law. Therefore, juvenile stands discharged.”

During the course of hearing, learned counsel for the petitioner could not point out any jurisdictional error or patent illegality in the impugned order passed by the learned Principal Magistrate, Juvenile Justice Board, so as to convince this Court to take a different view than the one taken by the learned Principal Magistrate. In such a situation, no interference is warranted at the hands of this Court, while exercising its revisional jurisdiction and the impugned order deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present criminal revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present criminal revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

9.10.2015
Ak Sharma