

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

CRM-M-14947 of 2013 (O&M)

Date of decision : 27.09.2016

Satender

...Petitioner

Versus

Fateh Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Malik, Advocate
for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the impugned order dated 05.09.2012, passed by learned Additional Sessions Judge, Sonapat, vide which the revision petition filed by the petitioner was dismissed; and impugned order dated 20.08.2010, passed by learned Judicial Magistrate First Class, Sonapat, vide which the complaint of the petitioner was dismissed.

The learned counsel for the petitioner states that accused-Kishan in connivance with the respondents played a fraud upon the petitioner by executing an oral agreement with him for a sale consideration of ₹1,02,500/- towards the suit land. He portrayed himself to be owner of 1/4th share i.e. 317, 1266 share of the total land measuring 8K-7M, situated at Badh Malik, Tehsil and District Sonapat, on the basis of which mutation

No.1650 was sanctioned. However, said accused had already sold the suit land to one-Bala Devi vide sale deed dated 12.03.1991. The respondents being a revenue officials did not disclose this fact to the petitioner. He further states that learned SDM also conducted an inquiry wherein respondent No.2 was found to be negligent.

I have heard the learned counsel and carefully perused the entire record on file.

As per the case of the petitioner, he had purchased the suit land from accused-Kishan vide an oral agreement on the basis of *Jamabandi* for the year 1997-98, which was furnished by respondent No.1. In this way, respondents concealed the facts that the suit land had already been alienated by accused-Kishan to one-Bala Devi vide sale deeds dated 12.03.1991 and 27.08.1992, on the basis of which, mutation Nos.1068 and 1084, respectively, were sanctioned. In the *jamabandi* for the year 1997-98, the respondents had intentionally concealed the factum of these mutations to cheat the petitioner.

However, as per the record, respondent No.1 had joined his service at the concerned station in the year 1997-98 and there are no allegation of tampering the said *jamabandi*. Respondent No.2 had just done his duty to compare mutation No.1650 and *jamabandi* with the record and send it to respondent No.3 for further proceedings. As a routine work, respondent No.3 had sanctioned the said mutation. Kishan, the main accused in the instant case has already been declared proclaimed offender.

Since the respondents did their duty after following the due procedure of law and respondent No.2 had already been found to be negligent in the instant case by the learned SDM, it cannot be said that the respondents in connivance with accused-Kishan had cheated the petitioner. Therefore, no interference in the impugned orders is called for.

With these observations, the instant petition is dismissed.

27.09.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No