

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14774-2016
DECIDED ON: July 25, 2016

LEELA RAM

....PETITIONER

VERSUS

DINESH AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of instant petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of order dated 17.02.2016 (Annexure P-1) whereby the revisional court dismissed the revision petition preferred by him for setting aside order dated 10.06.2015 (Annexure P-2) whereby trial court did not summon the private respondents in criminal complaint No.188-1C of 2012, dated 22.11.2012, captioned as "*Leela Ram vs. Zile Singh and others*" under Sections 420, 467, 468, 471, 120-B, 506 read with Section 34 IPC.

2. It has been contended by learned counsel for the petitioner that father of petitioner namely Subh Ram left for heavenly abode on 31.01.2008. During the mutation proceedings with regard to the inheritance of Shubh Ram, Zile Singh furnished an affidavit dated 07.06.2008 (Annexure P-4) intentionally, in which, he mentioned the name of the petitioner as Om Parkash and that affidavit was witnessed by Umed Singh-Lambardar-respondent No.4 in connivance with

other accused in order to commit fraud upon the petitioner. He also make various requests to respondent No.5-Halqa Patwari as well as private respondents to rectify his name but in vain.

3. It has further been contended that due to the wrong mentioning of his name, the petitioner's son could not get selected in the Army as the domicile and caste certificates had been issued to him with the father's name Om Parkash instead of Leela Ram. The petitioner has also filed an application before the concerned Assistant Collector, First Grade regarding correction of his name but that was dismissed. Even an appeal preferred by him also met with the same fate. Thereafter, he was constrained to prefer a revision before the Financial Commissioner (Revenue), Haryana and then his name was only rectified vide order dated 13.12.2011. Since respondent No.4 Umed Singh-Lamberdar has hatched a conspiracy with his brother Zile Singh and Mahabir, the petitioner had to suffer for a long time and even he had to waste the time as well as money just to get his name rectified. Similarly, Randhir Singh, Patwari had also joined hands with private respondents. The non-summoning of the private respondents by the Id. Magistrate is absolutely against the evidence available on file and order qua them is liable to be set aside and the private respondents deserve to be summoned and to face trial along with co-accused namely Zile Singh and others.

4. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and has scrutinized the impugned orders.

5. A glance at the impugned orders transpires that there is no illegality, impropriety, infirmity or perversity and as such, there is no scope to interfere in the well reasoned orders passed by the Courts below. The petitioner

has simply alleged that his name has been unfolded by Zile Singh and others during mutation proceedings as Om Parkash instead of Leela Ram. It is not the case of the petitioner that he has suffered any loss or that he has been got disinherited from the property owned and possessed by his father Shubh Ram. On the basis of simple allegation that his name has been shown as Om Parkash instead of Leela Ram, he has tried to rope in the entire family of lamberdar and halqa patwari in the criminal complaint. In fact, there are no specific allegations against the respondents to attract their criminal liability. Since, the impugned orders are absolutely in consonance with the evidence available on file as well as settled canons of law, no interference by this Court is justified.

6. Accordingly, the petition stands dismissed.

July 25, 2016
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(JASPAL SINGH)
JUDGE