

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-21172 of 2009 (O&M)
Date of Decision: March 22, 2016

Dilawar Singh

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Hemant Bassi, Advocate
for the petitioner.

Mr.D.R.Singla, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Jaivir Yadav, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the impugned order dated 28.11.2006 passed by learned Judicial Magistrate Ist Class Rewari, vide which the complaint filed by the petitioner was dismissed and the judgment dated 09.05.2009 passed by learned Addl. Sessions Judge, Rewari, vide which revision filed by petitioner was dismissed.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that Dilawar Singh, Assistant Food and Supplies Officer, filed a complaint against Nihal Singh under

Sections 166, 167, 217, 218, 465, 466, 468, 469 and 471 IPC on the allegations that he joined as Asstt. Food and Supplies Officer on 29.07.1997 at P.R. Centre, Rewari. The accused was posted as District Food and Supplies Controller, Rewari at that time. It is also in the complaint that with a view to allot the work of the complainant to a person of the choice of the accused and in order to facilitate some nasty and obnoxious deals at the cost of State Exchequer, the power conferred upon the complainant were snatched illegally and malafidely by the accused. The complainant reported the matter to the higher authorities regarding the misdeeds of the accused. The accused prepared forged DO letter dated 18.12.1997 addressed to Director Food and Supplies, Haryana and copy of which was endorsed to Hon'ble Minister of Food and Supplies with intent to cause injury to the complainant and to save the firm working in the name and style of M/s REI Agro Ltd. Jaliawas, Bawal. The Director, Food and Supplies Department, Haryana, placed the complainant under suspension vide order dated 31.12.1997 and charge-sheet was served upon the complainant. The complainant submitted detailed reply to the charge-sheet and comments of accused were sought. Regular departmental enquiry was got conducted and the charges were dropped. The Punishment Authority agreed with the findings of the enquiry officer but due to some clerical mistake, show cause notice dated 23.10.1998 was served upon the complainant while proposing punishment of warning. During the enquiry, it was established that the accused misused his official position to save the above-said firm. It

has also been averred that the accused willfully and deliberately interpolated the words 'non gazetted officials' in the letter dated 18.12.1997. The accused has taken the support of words 'non gazetted officials' by interpolating these words in the letter dated 18.12.1997 and thus render himself liable for forgery, cheating for making false documents and using the forged document as a genuine document with a view to harm the complainant.

The accused was summoned under Section 167 and 218 IPC by learned Chief Judicial Magistrate, Rewari. However, at the time of framing the charge, learned JMIC, Rewari, vide order dated 28.11.2006 held that no offence under Sections 167 and 218 IPC is made out against the accused nor any case is made out under Sections 464, 465, 467, 469 or 471 IPC. The Court also held that accused is entitled for protection under Section 197 Cr.P.C. and the complaint was dismissed and accused was discharged. Against this order, a revision was filed and learned Addl. Sessions Judge, Rewari, after discussing the facts, dismissed the revision petition vide judgment dated 09.05.2009.

Aggrieved from the above-said order and judgment, present petition has been filed.

After going through the record, I find that findings given by learned Courts below are correct, as per law and evidence. No illegality has been committed by the Courts below while dismissing the complaint and in discharging the accused. In no way, the order and judgment passed by the Courts below can be held as perverse i.e.

against the evidence or law. In no way, it can be held that order and judgment passed by the Courts below amount to miscarriage of justice.

The perusal of the averments of the complaint itself shows that no offence is made out under any Section. If senior officer i.e. accused has reported regarding conduct of the complainant to the Senior Officer i.e. Director, Food and Supplies, Haryana and Director, Food and Supplies, on the basis of that DO letter, has suspended the complainant or has started the enquiry etc., in no way, any offence is committed by the accused. The only allegation is that accused used interpolated words 'non gazetted officials' in the letter, which were not there in the letter of the Chief Secretary. In no way, it will amount to forging the document. It was for the senior officer i.e. Director, Food and Supplies, Haryana, to look into these words, if at all, these words have been written by the accused wrongly in the DO letter.

The findings given by both the Courts below are correct, as per evidence and law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

March 22, 2016
Vgulati

(INDERJIT SINGH)
JUDGE