

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-15990-2016 (O&M)
Date of decision: May 19, 2016

Joginder Singh ...Petitioner

Versus

Smt. Reshma and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ajay Jain, Advocate for the petitioner.

Rajan Gupta, J.

Present petition under section 482 Cr.P.C. has been filed seeking quashing of the order dated 13.07.2015, passed by Judicial Magistrate 1st Class, Hisar in complaint No.433 of 2013, whereby respondents were not summoned in the complaint and order dated 06.04.2016, passed by Addl. Sessions Judge, Hisar, whereby order of the trial court has been upheld.

Learned counsel for the petitioner submits that the courts below have not appreciated the facts and wrongly declined to summon the respondents, as a prima facie offence under sections 420, 467, 468, 471, 120-B, 506 read with Section 34 IPC was made out against them. Thus, orders passed by the courts below deserve to be quashed.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

A complaint under sections 420, 467, 468, 471, 120-B and

506 IPC was filed by the petitioner against respondents alongwith Chattar Singh and Murti, before the trial court alleging that he was co-owner and share holder in *Gair Mumkin* plot having an area of 04 Kanals 10 Marlas as well as land measuring 44 Kanals 18 Marlas situated in village Bagla, Distt. Hisar. It is alleged that accused Murti Devi is his aunt whereas accused Chattar Singh is his cousin brother. All accused hatched a conspiracy together and filed a suit titled "Smt. Murti and others vs. Smt. Reshma and others" regarding aforesaid plot measuring 04 Kanals 10 Marlas in the court of Sub Judge IInd Class, Hisar on 21.5.1993 and got said suit decreed in their favour. In the same manner, another suit titled as "Smt. Murti Vs. Reshma" was filed in the court of Sub Judge 1st Class, Hisar regarding aforesaid land measuring 44 Kanals 18 Marlas. Said suit was also decreed in favour of accused No.2 Smt. Murti. In both the suit, complainant was never served with any notice or summon from any court of law nor he engaged any counsel. The entire proceedings were based on cheating and fraud by impersonating the complainant. A complaint was, thus, instituted by the complainant against nine accused. After recording preliminary evidence, sending complainant for investigation under section 202 Cr.P.C. and on receipt of report, the trial court found prima facie evidence against accused No.1 & 2 to proceed under sections 420, 467, 468, 471, 120-B, 506 read with section 34 IPC. However, it found nothing material regarding involvement of accused Nos.3 to 9 (respondents herein), thus, they were not summoned. Revision filed by petitioner against the said order was also dismissed by Additional Sessions Judge, Hisar vide order dated 6.4.2016.

I find no infirmity with the orders passed by the courts below. Scope of interference in such an order is very limited, particularly when no demonstrable perversity is apparent on the record. Learned counsel has not been able to pin point any flaw which would call for interference by this court in its inherent jurisdiction. Thus, trial court finding prima facie evidence against accused No.1 & 2, has rightly summoned them by exonerating remaining accused i.e. respondents herein, as no benefit has been derived by them from the decrees passed in favour of accused Nos.1 and 2. It is well settled that unless any legal infirmity in the procedure or in the conduct of trial is pointed out, the revisional court will not interfere.

I find no merit in the instant petition to interfere in inherent jurisdiction. The petition is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 19, 2016
'Rajpal'