

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM No. M-20419 of 2016
DECIDED ON: JULY 04, 2016

NARENDER AND OTHERS

....PETITIONERS

VERSUS

STATE OF HARYANA & ANOTHER

....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. Anshumaan Dalal, Advocate
 for the petitioners.

JASPAL SINGH, J

By virtue of this petition preferred under Section 482 Cr.P.C. petitioners have sought the quashing of criminal complaint No. 58 of 2013 dated May 24, 2013 (Annexure P-1) registered under Section 190 Cr.P.C. and Section 3 (1) (iv) of the Schedule Caste and Schedule Tribe (Prevention and Atrocities) Act 1989 titled as 'Suresh Kumar vs. Jai Pal and others' as well as summoning order dated July 04, 2014 (Annexure P-2) pending before learned Sub Divisional Judicial Magistrate Meham, Rohtak.

The contention of learned counsel for the petitioners is that a bare perusal of complaint (Annexure P-1) reveals that there are no specific

allegations against any of the petitioners as to the role played by them in the alleged dispossession. In fact, father of petitioners No.1 and 2 namely Bhim Singh and father of petitioner No.3 namely Ganga Singh were owners and in possession of agricultural land at village Samargopalpur, District Rohtak. Out of the land owned and possessed by them, land measuring 23 kanals and 19 marlas was declared surplus, which was allotted to the father of the complainant Harke Ram (since deceased) as per Haryana Ceiling of Land Holding Act, 1972 vide allotment letter dated January 08, 1977 and May 16, 1977. However, before the said allotment could be communicated the allottee Harke Ram, he breathed his last on January 23, 1977. As per condition No.3 of the allotment letter (P-4), if the allottee fails to take possession within 30 days of the allotment the allotment automatically stand cancelled.

Moreover, the LR's of Harke Ram deposited the first installment on February 20, 1978 in the name of Harke Ram without getting any extension of original period of 30 days from the concerned authorities. Even, the other documents were also prepared subsequent to the death of Harke Ram. Since the possession was not delivered within a period of 30 days, as envisaged in the allotment letter the possession of land so allotted to Harke Ram with the petitioners. Surprisingly after the lapse of 32 years and 08 months complainant party deposited the remaining amount of ₹17,591/- on October 21, 2010. Moreover, the complainant party made various complaints before the police authorities. Every time after due inquiry the authorities came to the conclusion that dispute is of a civil nature. But subsequent thereto, complaint (P-1) was lodged without disclosing the factum of various inquiries conducted by the

police on the allegations made in the complaints.

It is a well settled proposition of law that at the time of summoning of an accused only allegations contained in the complaint, preliminary evidence adduced in support thereof, as well as documents are only required to be considered. The documents which have been relied upon by the petitioners are not a part of complaint as well as summoning order or the evidence so adduced by the complainant. As such the same cannot be taken into consideration at this stage. Moreover, at this stage it cannot be said that allegations contained in the complaint do not *prima facie* constitute any offence. Rather the summoning order can be said to be in consonance with the evidence available on file.

Thus there is no ground to quash either the complaint (P-1) or the summoning order (P-2).

Dismissed.

JULY 04, 2016
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(JASPAL SINGH)
JUDGE