

132 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-23141 of 2016
DECIDED ON: JULY 13, 2016

KOUSHLANDER

....PETITIONER

VERSUS

M/S BALA JI TRADING COMPANY

....RESPONDENT

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. Gaurav Jindal, Advocate
 for the petitioner.

JASPAL SINGH, J

By virtue of this instant petition preferred under Section 482 Cr.P.C. petitioner has sought the setting aside of order dated February 17, 2016 (Annexure P-1) passed by learned Additional Sessions Judge, Panipat whereby, revision petition i.e. CRR No. 27 of 2015 preferred against the order dated January 30, 2015 passed by Judicial Magistrate Ist Class, Panipat in complaint No. 52 of 2014 captioned as *Koushlander vs. M/s Balaji Trading Company and others* was dismissed.

2. While assailing the impugned order(s), it has been ebulliently argued by learned counsel for the petitioner that he has preferred a complaint against respondents under Sections 420, 467, 468, 471, 506, 120-B and 34 IPC.

Though, there was sufficient evidence on record adduced by the petitioner in support of the contents of the complaint, which was otherwise unrebutted and unchallenged yet JMIC, Panipat dismissed the complaint vide order dated January 30, 2015. Feeling disheartened petitioner preferred revision petition against the afore-said order but that too was dismissed vide order dated February 17, 2015 (Annexure P-1) without assigning any cogent reason. In fact both the orders are the result of non-application of judicial mind. As such, the orders passed by both the courts below being against the evidence available on record as well as settled proposition of law are liable to be quashed and respondents are liable to be summoned for facing trial for commission of offences mentioned in the complaint.

3. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and have scrutinized the impugned orders. A perusal of various documents available on record reveals that petitioner in support of his contention appeared himself in the witness box. Besides it, a report under Section 202 Cr.P.C. was also called by the concerned Magistrate. A glance at the report under Section 202 Cr.P.C. clearly transpires that there were dealings between the petitioner and respondents and further that petitioner agreed to sell his plot No. 1696, Sector 18, HUDA, Panipat and received a sum of ₹25,00,000/- from respondent No.2 in the Month January 2013 but the petitioner did not honour the terms and conditions of the aforesaid agreement and failed to execute the sale deed. But these facts were not disclosed by him in his complaint. Even, he did not disclose that respondents were known to him. Rather, he put forth a ground that three cheques duly signed by him were misplaced in the Month of November 2012, which were subsequently, misused

by the respondents. But this contention of the petitioner is not acceptable because there is no explanation furnished by the petitioner as to why he had kept the blank signed cheques with him which are alleged to have been misused later on. It appears that when the petitioner came to know about the complaint preferred by the respondent under Section 138 of Negotiable Instruments Act, instant complaint was filed by the petitioner before the Magistrate which has rightly been dismissed. Similarly, revision petition preferred against the order of dismissal of complaint has also been rightly been dismissed by learned Additional Sessions Judge, Panipat.

4. There is no infirmity, illegality or impropriety in the impugned orders. Therefore, instant petition being devoid of any merits is dismissed.

JULY 13, 2016
sham

(JASPAL SINGH)
JUDGE