

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-28034 of 2016 (O&M)

Date of Decision: August 26, 2016

Parveen Kumar Ghuliani

...Petitioner

VERSUS

Rajbir Dahiya

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Keshav Pratap Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Parveen Kumar Ghuliani has filed this petition under Section 482 Cr.P.C. against respondent Rajbir Dahiya, for setting aside the impugned judgment dated 30.05.2015 passed by learned Judicial Magistrate Ist Class, Bahadurgarh, vide which the complaint filed by the petitioner was returned being not within the jurisdiction and also judgment dated 06.06.2016 passed by learned Addl. Sessions Judge, Jhajjar, vide which revision petition filed by the petitioner was also dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that learned JMIC, Bahadurgarh vide judgment dated 30.05.2015 held that the Court has no territorial jurisdiction as neither the offence was committed nor any part of transaction took place

within jurisdiction of City Bahadurgarh and the complaint was returned. A

revision was filed against this judgment before Sessions Court and learned Addl. Sessions Judge, Jhajjar, vide judgment dated 06.06.2016 upheld the judgment passed by learned JMIC, Bahadurgarh.

Aggrieved from the above-said judgments, present petition has been filed.

The brief facts of the case as noted down in the judgment passed by learned JMIC, Bahadurgarh, are as under:-

“Brief facts of the present complaint are that the complainant as well as accused were the residents of City Bahadurgarh. The accused alongwith Surender Singh and Dharambir Singh constituted a society under the name & style “The Saransh Kutir Co-operative Group Housing Society Limited” registered at no.2488 dated 10.2.2006 with the office of Registrar, Faridabad. The accused was the president of the aforesaid society. The society was constituted for the purpose of obtaining land from HUDA for construction of houses thereupon for the members of the society. Every member of the society was required to pay ₹50,000/- along with ₹4000/- as expenses, to get the house allotted in their names. The complainant paid the amount of ₹50,000/- vide cheque no.704507 dated 22.2.2006 drawn in favour of the society which was cleared through Allahabad Bank, Faridabad on 25.02.2006. In total, the accused received an amount of ₹12 lacs, out of which, only an amount of ₹7,20,000/- was deposited with the concerned department and the remaining amount of ₹4,80,000/- was got deposited by the accused in his personal account. In the month of September 2006, HUDA issued the list mentioning the name of societies to which the land was not allotted. Resultantly, the accused was required to return the amount of ₹50,000/- deposited with the society by every member of the society. The complainant asked the accused to refund the amount received by the society but he postponed the matter. Thereafter, the complainant approached accused in the month of November 2006, January 2007 and finally on 4.5.2007 asking for refund of payment made by him but the accused flatly refused to make the payment and threatened to face dire consequences, in case, demand of money was again made by him. The complainant even served a statutory notice upon the accused and other persons associated with the society but the accused refused to receive the said notice. The complainant even approached police authorities of Faridabad and Bahadurgarh with a prayer to take appropriate legal action against the accused but to no avail. Hence, left

with no other alternative, the present complaint has been filed by the complainant.”

The perusal of the judgments passed by both the Courts below show that these judgments have been passed as per law and no illegality has been committed by the Courts below while returning the complaint. The Society was registered at Faridabad. Its office is at Faridabad and the amount of ₹50,000/- has been deposited by the complainant with the Society at Faridabad. The cheque was issued from the account of the complainant from the Bank at New Delhi and the amount is to be refunded from the Society, which is at Faridabad. No cause of action had taken place at Bahadurgarh. Therefore, as per Sections 177 and 181 Cr.P.C., the Courts at Bahadurgarh has no territorial jurisdiction.

In view of the above discussion, I find that the impugned judgments passed by both the Courts below are correct, as per law and do not require any interference from this Court.

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

August 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No