

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

CRM No.M-29441 of 2016 (O&M)

Date of Decision: August 27, 2016

Heera Lal

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.S.Shekhawat Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Heera Lal has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana, for quashing of order dated 02.08.2013 passed by learned Judicial Magistrate Ist Class, Panipat, whereby charges were ordered to be framed against the petitioner under Sections 406 and 420 IPC and also the judgment dated 14.03.2016 passed by learned Addl. Sessions Judge, Panipat, vide which the revision filed by the petitioner was dismissed.

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

From the record, I find that FIR in the present case has been registered on the basis of the application given by Ravinder Kumar Tayal. It is stated in the application that complainant is the Chairman of LCRT

College of Education and owner of vehicle make Scorpio. Around two ears ago, Heera Lal came to his college and had borrowed the vehicle for 5-7 days. After some time, Heera Lal came to him and told that he liked the vehicle and wants to purchase it and he shall get the valuation of the same from some mechanic or broker. Heera Lal took away the vehicle and did not return the same till date. Complainant's younger brother also demanded the vehicle from Heera Lal but Heera Lal threatened by showing pistol and said that if again the vehicle is demanded, then he will shoot him. It is further stated by the complainant that his aforesaid vehicle was also carrying the original documents of three plots and of other colleges. Heera Lal has either thrown away or destroyed those documents. Heera Lal with the help of his friends, forged the documents and got registered the three plots in his and her wife's name and he also forged the original documents of complainant's college society and misappropriated the funds.

Keeping in view the averments in the FIR, in no way, it can be held that no prima facie case is made out. At the time of framing of charge, the Court is not to weigh the evidence for the purpose of conviction. The Court is only to see whether any prima facie case is made out from the documents relied upon by the prosecution. The defence of the accused is not to be considered by the Court at the time of framing of charge and no documents of the accused are to be seen ordinarily. Learned Addl. Sessions Judge, Panipat, has also dismissed the revision against the order of framing of charge.

From the record, I find that no illegality has been committed by the Courts below while passing the impugned order and judgment. There is nothing on the record to show that the order and judgment passed by the

Courts below are illegal or amount to abuse of process of law or amount to miscarriage of justice.

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

August 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No