

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38012 of 2011
DECIDED ON: April 11, 2016

OM PARKASH

....PETITIONER

VERSUS

RAM CHANDER

....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. N.S. Shekhawat, Advocate,
for the petitioner.

Mr. Tapan Yadav, Advocate,
for the respondent.

JASPAL SINGH, J.

By virtue of instant petition preferred under Section 482 of the Code of Criminal Procedure, Om Parkash-petitioner has sought quashing of order dated 28.10.2009 (Annexure P-1) passed by Judicial Magistrate Ist Class, Narnaul whereby criminal complaint No. 95/17.07.2007 titled as “*Om Parkash vs. Ram Chander*” was dismissed as well as order dated 20.10.2011 (Annexure P-3) passed by Additional Sessions Judge, Narnaul vide which the revision petition preferred by the petitioner against the order dated 28.10.2009 was also dismissed.

2. While assailing the impugned orders, learned counsel for the

petitioner has argued with vehemence that respondent never remained as Lamberdar of village Nehru Nagar. Neither any certificate nor any identity card was issued to him. He had been illegally and unlawfully representing himself as Lamberdar of the village and is getting illegal gain. For the purpose of illegal gain, he signed the sale deed No. 279, dated 24.06.1998 (Ex.PW1/A), Release deed No. 331, dated 12.06.2001 (Ex. PW1/B) and sale deed No. 616 dated 20.06.2002 (Ex.PW1/C) mentioning himself as Lamberdar and in this manner, he has committed fraud and cheating as well as forgery of the documents, which are punishable under Sections 419, 420, 467 and 468 IPC. Ld. Magistrate as well as ld. Additional Sessions Judge vide their respective impugned orders have illegally dismissed the complaint preferred by the petitioner without assigning any cogent reason. As such, impugned orders are liable to be quashed and proceedings in the complaint deserve to be initiated against the respondent.

3. This Court has given a deep thought to the submissions made by learned counsel for the petitioner but find the same to be without any substance.

4. There are concurrent findings recorded by the ld. Magistrate as well as ld. Additional Sessions Judge in revision petition that there is nothing on the record to suggest that by signing the documents, petitioner has gained any pecuniary benefit or any other benefit or has caused any loss to the petitioner by projecting himself to be a Lamberdar of the village. It is not the case of the petitioner that he has wrongly identify the executant of the sale deed or the release deed.

5. To attract offences falling within the purview of Sections 420 and 419 IPC, one of the basic ingredients is causing of wrongful loss but there is no evidence what to talk of any substantive evidence. Even otherwise, a glance at

the impugned orders transpires that there is no illegality or impropriety in the findings either recorded by the ld. Magistrate or by ld. Additional Sessions Judge while dealing with and disposing of revision petition. There is also nothing on the record to prove that the ld. trial court has travelled beyond its jurisdiction while dismissing the application or has failed to exercise the jurisdiction vested in it.

6. Thus, this Court is of the considered view that there is no illegality, impropriety or infirmity in the impugned orders passed by both the courts below. As such, the same is dismissed.

April 11, 2016
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(JASPAL SINGH)
JUDGE