

CRM-M-41527-2016

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

CRM-M-41527-2016

Date of Decision: 01.12.2016

Hem Raj

... Petitioner

Versus

Ishak Khan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Arshdeep Bhullar, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner, Hem Raj has filed this petition against respondents, Ishak Khan, District Welfare Officer, Pardeep Godara, Additional Deputy Commissioner, Tirlok Chand, Sub Divisional Officer and Mohan Singh, Block Development and Panchayat Officer, under Section 482 Cr.P.C. for quashing of the order dated 20.04.2015 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Mewat whereby complaint filed by the petitioner under Sections 166, 167 and 34 IPC has been dismissed and for quashing the judgment dated 01.06.2016 (Annexure P-2) passed by learned Additional Sessions Judge, Mewat, whereby criminal revision filed by the petitioner challenging the order dated 20.04.2015 (Annexure P-1) has been dismissed.

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

CRM-M-41527-2016

The brief facts of the case, as noted down in the order dated 20.04.2015 passed by learned Judicial Magistrate Ist Class, Mewat are as under:

“2. *Brief facts of the complainant's case are that complainant is handicap from both legs and he is unemployed persons and belongs to schedule caste and he applied for an Advocate from District Legal Service Authority, Nuh. Complainant stated that on 26.3.2012, he moved a complaint to Deputy Commissioner Mewat and forwarded to the accused no.1 for inquiry but the inquiry was not properly conducted by the accused no. 1 and no action was ever taken place against the delinquent persons and the complainant also moved a similar complaint on 9.4.2013 to accused no.1 but the accused no. 1 released the Government aid to the persons who were not entitled for the same. Complainant further stated that when the proof of the aforesaid irregularities was sought from the complainant, the complainant visited to six villages at his own costs where houses were sanctioned and prepared the site plan of the said houses and moved an application on 22.4.2013 to Deputy Commissioner Mewat alongwith site plans and the said plans were sent to the accused no. 2 for inquiry and when the complainant visited to the office of accused no. 2, accused no. 2 knowingly and intentionally did not adhere the request of the complainant and he get the complainant out from his office. Complainant further stated that after that he moved another complaint on 6.7.2011 to Deputy Commissioner, Mewat and Deputy Commissioner, Mewat forwarded the said complaint to accused no. 4 for inquiry but the accused no. 4 not conducted any inquiry and the complainant moved another complaint to accused no. 2 on 9.1.2014 regarding misappropriation of Government funds but despite this the Government Aid for construction of*

CRM-M-41527-2016

houses were released to those persons who were already having pacca houses, car etc. and when the accused persons not conducted the inquiry on the complaint of the complainant, the complainant again moved the said complaint to Deputy Commissioner, Mewat and the said complaint were sent by the Deputy Commissioner, Moat to accused no. 3 for inquiry and the accused no. 3 called the complainant in his office on 18.2.2014 and 7.3.2014 and recorded the statement of the complainant and completed the formalities. Complainant further stated that the accused persons knowingly misappropriated the Government funds and failed to perform their official duties and committed offence under Section 166/167 read with Section 34 IPC and finally prayed for summoning of the accused persons.”

Learned Judicial Magistrate Ist Class after going through preliminary evidence dismissed the complaint vide impugned order dated 20.04.2015 (Annexure P-1). Feeling aggrieved against the said order, the petitioner preferred revision before learned Additional Sessions Judge, Mewat which has been dismissed vide impugned judgment dated 01.06.2016 (Annexure P-2).

From the record, I find that learned Judicial Magistrate Ist Class, Mewat while dismissing the complaint held that in order to prove the contents of complaint, complainant himself appeared in the witness-box and on oath reiterated the version as laid down in the complaint and perusal of the documents filed by the complainant in support of his version shows that the complainant number of times filed applications before the authorities regarding misuse of PAY YOJNA but no other evidence in order to prove the contents of complaint has been placed on record by the complainant.

CRM-M-41527-2016

The oral statement of the complainant that the respondents misappropriated the government funds and allotted houses in favour of those who were rich etc., is not sufficient to prove the commission of offence. Furthermore, the complainant has not obtained any sanction from the government before filing the complaint.

The impugned order/judgment passed by the courts below are correct, as per evidence and law. The complainant has filed the baseless complaint and also without any cogent evidence against the government officials. At the time of arguments, nothing has been pointed out as to how the findings given by the courts below are perverse or against the evidence. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the courts below. Nothing has been pointed out as to what illegality has been committed by the courts below while passing the impugned order/judgment.

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

01.12.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No