

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-41568-2015

Date of decision: October 04, 2016.

Puran Chand

... **Petitioner**

v.

Jait Kumar & others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri B.D. Sharma, Advocate for the petitioner.

**A.B. Chaudhari, J.** (Oral):

Heard learned counsel for the petitioner. This petition is directed against the order rejecting the complaint under Section 203 Cr.P.C. The trial court has given the following reasons for dismissal of the complaint under Section 203 Cr.P.C.:-

*"I have heard the complainant and have gone through the judicial file and record. The complainant has raised the allegations against the accused no.1 in connivance with other accused, has got changed the girdawari in the name of accused no.2, although complainant is in possession of suit land. Accused no.1 has prepared forged document on the basis of revenue record and sanctioned the khasra girdawari in the name of accused no.2. As per document Ex.C1, khasra girdawari was sanctioned in the name of Makhan Singh after visiting the spot. Moreover, complainant has filed appeal before Collector that Naib Tehsildar has wrongly sanctioned girdawari in the name of accident. But said Tehsildar has sanctioned the girdawari in the name of accused after visiting the spot and in the presence of villagers. The complainant has not produced any document which has been forged by accused. Moreover, no person from revenue department has been examined to prove that girdawari*

*was wrongly changed in favour of accused. So, allegations are vague. So, there is no ground to summon the accused. Complaint is dismissed being devoid of merits.”*

Learned counsel for the petitioner submits that in this context he had produced the judgment of the civil court along with an application under Section 311 Cr.P.C. in the revision before the Sessions Judge but the Sessions Judge has neither decided the application under Section 311 Cr.P.C. nor considered all the grounds.

In my opinion, the burden to prove a prima facie case for issuance of process is completely on the complainant. For the above reasons, the said burden was not discharged by him. The application under Section 311 Cr.P.C would make no difference since the execution of the judgment of the civil court in the criminal complaint would be of no avail. In that view of the matter, I find no merit in the present petition.

Dismissed.

**[ A.B. Chaudhari ]**  
**Judge**

October 04, 2016.  
*kadyan*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No