

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-4610 of 2016 (O&M)
Date of Decision: February 08, 2016

Kavita

...Petitioner

VERSUS

Ratni Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Yadav, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside the complaint No.130 dated 10.04.2013 pending in the Court of learned Judicial Magistrate Ist Class, Rewari under Sections 420, 467, 468, 471 and 506 IPC and summoning order dated 09.04.2014 under Section 406 IPC passed by learned JMIC, Rewari and judgment dated 21.12.2015 passed by learned Addl. Sessions Judge, Rewari, dismissing the revision filed by the petitioner against the summoning order.

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

From the record, I find that Ratni Devi filed a complaint against Kavita under Sections 420, 467, 468, 471 and 506 IPC. After

the preliminary evidence, the present petitioner was summoned by the trial Court to face trial under Section 406 IPC. A revision against the summoning order was filed, which was also dismissed by learned Addl. Sessions Judge, Rewari vide judgment dated 21.12.2015. Now, present petition has been filed for quashing the complaint as well as the summoning order.

The brief facts as given in the complaint are that Ratni Devi complainant is an old aged lady and is receiving old age pension as per the policy of the Government. The Sarpanch (present petitioner) is disbursing authority and pension is disbursed in every six months. It is the duty of the Sarpanch to disburse the pension amount after making proper identification and taking proper receipt from the person getting it. The complainant did not get pension since July, 2012. On enquiry from Sarpanch, the complainant was told that money has not been received from the Government. An application was sent to Social Welfare Department and the complainant received information that pension amounting to ₹3250/- has already been sent to the Gram Panchayat. It is further the case of the complainant that Sarpanch by putting forged thumb impression of complainant, misappropriated the pension amount of complainant. When the complainant approached the Sarpanch, she was threatened regarding which, the complainant made a complaint to Superintendent of Police, Rewari.

During enquiry by the office of the Deputy Collector, it was found that pension was got delivered to Dhanno Devi, sister of the

complainant against thumb impression/signature of Dhanno Devi.

In view of the above facts and circumstances, in no way, it can be held that no offence is made out and the complaint is liable to be quashed. The pension of the complainant has been disbursed to some other person by the petitioner-Sarpanch, on the basis of the receipt, which is not bearing the thumb impression/signature of the complainant. That receipt bears the thumb impression/signature of present petitioner as Sarpanch. The allegations in the complaint are that the Sarpanch by putting forged thumb impression of the complainant, misappropriated the amount. In no way, it can be held that no offence is made out.

The mere fact that in the departmental proceedings, warning has been issued and the order has been passed to recover the amount from Dhanno Devi, whose thumb impression has been found on the receipt etc., are no ground to quash the complaint. Furthermore, the summoning order passed by learned trial Court has already been upheld in the revision. The summoning order dated 09.04.2014 and judgment dated 21.12.2015 passed by the Courts below, cannot be held as illegal nor amount to miscarriage of justice.

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

February 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE