

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-9828-2016 (O&M)
Date of decision: April 22, 2016

Bachittar Singh ...Petitioner

Versus

Karamjit Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Pankaj Jain, Advocate for the petitioner.

Rajan Gupta, J.

Present petition under section 482 Cr.P.C. has been filed seeking quashing of the order dated 11.9.2014, passed by Sub Divisional Magistrate, Mukerian in complaint No.231 of 2010 discharging the respondent and order dated 14.12.2015, passed by Addl. Sessions Judge, Hoshiarpur, whereby order of the trial court has been upheld.

Learned counsel for the petitioner submits that the courts below have not appreciated the facts and wrongly discharged the respondent, as a prima facie offence under section 420 IPC was made out against the respondent. Thus, orders passed by the courts below deserve to be quashed.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

A complaint under section 420 IPC was filed by the

petitioner against respondent before the trial court alleging that respondent borrowed Rs.5.00 lacs from the complainant/petitioner and in lieu thereof, respondent executed an agreement on 2.8.2007 regarding return of the entire amount till 15.8.2008. However, respondent did not return the same. A legal notice was also served but same was not even replied by the respondent. Petitioner also submitted an application to SHO, Police Station Mukerian on 22.8.2008, where a compromise was effected between the parties in the presence of respectables of the village, but respondent did not abide by terms and conditions of the compromise. Subsequently, respondent did not turn up in the office of Sub Registrar, Mukerian to execute the sale deed in terms of agreement. Again legal notice was served but to no avail. Said complaint was dismissed by Sub Divisional Judicial Magistrate, Mukerian on 11.9.2014 observing that matter is purely of civil in nature but complainant tried to give it a colour of criminal offence. Revision filed by petitioner against the said order was also dismissed by Additional Sessions Judge, Hoshiarpur vide order dated 14.12.2015.

I find no infirmity with the orders passed by the courts below. Scope of interference in an order of discharge is very limited, particularly when no demonstrable perversity is apparent on the record. Learned counsel has not been able to pin point any flaw which would call for interference by this court in its inherent jurisdiction. It is well settled that unless any legal infirmity in the procedure or in the conduct of trial is pointed out, the revisional court will not interfere. Moreover, the matter

seems to be civil in nature.

I find no merit in the instant petition to interfere in inherent jurisdiction. The petition is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 22, 2016
'Rajpal'