

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

CRR No. 3924 of 2014

Date of decision : 07.01.2016

Mukut Bihari Sanghi

....Petitioner

V/s

Surender Kumar

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Vats, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has impugned orders dated 30.07.2011 & 30.07.2014 whereby his application for initiating proceedings under sections 340 Cr.P.C. has been rejected by the two courts below.

Allegation is that Surender Kumar Purohit (respondent herein) got himself enrolled as an Advocate with Bar Council of India on the basis of certificates and degrees issued by different unrecognized Boards/Universities. State Bar Council, Delhi issued enrollment certificate as an Advocate to him vide enrollment No. D/267/91 dated 19.04.1991. A reference was later sent by Bar Council of Delhi to Bar Council of India regarding enrollment application of 56 persons including respondent Surender Kumar with regard to Law Degree issued by Varanasi Sanskrit Visvavidyalya, Varansi. Bar Council of Delhi vide letter dated 29.09.1992 informed the respondent that the degree of LLB possessed by him from the aforesaid University was not a recognized one for the purpose of enrollment as an Advocate. It, thus, suspended his licence with immediate effect and directed him

to surrender his enrollment certificate. However, respondent did not comply. He started his practice in District Courts at Narnaul without getting his name transferred from Delhi to Bar Council of Punjab and Haryana, Chandigarh as prescribed under the rules. It is alleged that respondent had appeared as an Advocate on behalf of plaintiff in the instant case on 10.04.1997 which necessitated the petitioner to file the present case. Plea was rejected by the trial court observing that there had been no fresh decision by the Bar Council of India in respect of enrollment or otherwise of respondent Surender Kumar Purohit. Appellate court came to the same conclusion and found that proceedings under section 340 Cr.P.C. could not be initiated to verify authenticity of degrees/certificates. I find no infirmity with the orders. During the course of arguments, a query has been put to learned counsel for the petitioner whether petitioner lodged a complaint with the police at any stage with regard to his grievance. No clear answer was forthcoming. Under the circumstances, I find no ground to interfere in inherent jurisdiction of this court. It appears that petitioner is merely trying to settle scores with the respondent. Petition is, thus, without any merit and is hereby dismissed.

January 07, 2016

Ajay

(RAJAN GUPTA)
JUDGE