

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

CRM No.M-13217 of 2017 (O&M)

Date of Decision: July 06, 2017

Parshotam Lal

...Petitioner

VERSUS

Jatinder Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Abhinav Gupta, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 01.12.2015 passed by learned Addl. Chief Judicial Magistrate, Kapurthala, whereby the complaint filed by the petitioner was dismissed and judgment dated 18.02.2017 passed by learned Addl. Sessions Judge, Kapurthala, vide which the revision filed by the petitioner was dismissed.

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

From the record, I find that a complaint was filed by the present petitioner which was dismissed by learned trial Court vide order dated 01.12.2015. A revision was filed, which was also dismissed by learned Addl. Sessions Judge, Kapurthala, vide judgment dated 18.02.2017.

The brief facts of the complaint as noted down in the order

dated 01.12.2015 passed by learned ADJM, Kapurthala, are as under:-

“Briefly case of the complainant is that complainant is owner in possession of a plot of land measuring 10 marlas situated in abadi of village Alamgir and planted trees on the same for the last 20 years to which the accused have no concern and accused have been trying to interfere in the land of complainant, for which he requested the accused to refrain, but of no use. It is further averred that on 21.5.2009 when the complainant was present in his plot alongwith some masons and labourers as he was raising the height of the boundary wall around his plot of land, accused persons forcibly and illegally entered the plot of land of complainant and raised lalkaras and at that time accused no.1 Jatinderpal Singh was armed with Dattar, accused no.2 Amarjit Kumar was armed with Aari, accused no.3 Love Kumar was armed with iron rod, started demolishing the wall of plot of land of complainant and cut down 6/7 trees. The complainant was so afraid of the situation that he escaped from the spot and saved his life. 2. It is further averred that thereafter on 3.6.2009 accused came over the site and have thrown the bricks of the complainant lying in the plot in nearby well with intention to destroy the proof of their guilt. The matter was reported to the police and FIR no.64/09 was registered against the accused, but till date, no challan has been presented in the case. Hence the complaint.”

I have gone through the impugned order passed by learned ACJM, Kapurthala. The complainant alleged in the complaint that accused have been trying to interfere in the land of complainant and boundary wall, which the complainant was raising in his plot, has been damaged. Learned trial Court held that nowhere in the complaint, any specific khasra number has been mentioned. The Court also held that in the FIR, khasra number has been mentioned by the complainant as 81/30 but during investigation, it was found that the complainant has no concern with the same.

At the time of arguments, learned counsel for the petitioner admitted that no khasra number has been mentioned in the complaint but stated that in the evidence, it has been mentioned.

From the perusal of the order passed by learned ACJM,

Kapurthala as well as judgment passed by learned Addl. Sessions Judge, Kapurthala, I find that no illegality has been committed by the Courts below. The complainant-petitioner has not given the property description by giving khasra numbers, therefore, accused cannot be summoned on the basis of the averments of the complaint. The complainant is to plead his case in the complaint and property, in which the trespass has been committed etc., should be specific one.

In view of the above discussion, I find that the impugned order and judgment passed by both the Courts below, are correct, as per evidence and law and do not require any interference from this Court.

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

July 06, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No