

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-20604 of 2017

DATE OF DECISION:24.08.2017

Chhote Lal Pandit

... Petitioner

Versus

Usha Gupta and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Akaant Kumar Mittal, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has assailed the order dated 13.01.2016 passed by the Judicial Magistrate Ist Class, Ludhiana whereby his complaint under Sections 420,467,468,471 read with Section 120-B read with Section 506 IPC has been dismissed as well as the order dated 28.03.2017 whereby his revision there against has been dismissed.

The petitioner is stated to be the sole proprietor of M/s Nidhi Knitwears and respondent No.1 had filed a Civil Suit for recovery of an amount of ₹27,46,150/- along with interest on the ground that the petitioner had been making purchases of textile goods, acrylic shawls from time to time but had not made the payment . Several invoices and bills had been appended with the suit.

After recording evidence, Civil Suit was decreed on 18.12.2012 in favour of respondent No.1 and the petitioner was held liable to pay amount of ₹27,46,150/- along with interest. The appeal preferred thereagainst by the petitioner was also dismissed by the First Appellate Court on 27.03.2014. Regular Second Appeal was also dismissed on 10.07.2014. SLP preferred by the petitioner was also dismissed. Thereafter, the petitioner preferred complaint under Sections 420,467,468,471 read

with Section 120-B read with Section 506 IPC alleging therein that the respondents had fabricated and forged bills and invoices of the year 2005. The complaint has been dismissed by the trial Court by holding that the matter regarding the payment of the bills had been decreed in favour of the respondents and there was no such finding recorded by the trial Court or the Appellate Court which would indicate that they were forged and fabricated.

Learned counsel for the petitioner vehemently contends that the mere decree of the suit and the dismissal of his appeals there against would not come in the way of the petitioner for independently maintaining a criminal complaint for forgery and fabrication of the bills.

I have heard learned counsel for the petitioner.

The bills and invoices which are stated to have been fabricated and forged pertain to the year 2005. The suit for non-payment of the amount due towards these bills and invoices had been decreed by the trial Court on 18.12.2012. This decree had attained finality as appeals there against were dismissed right up till the Supreme Court. After exhausting his appellate remedy, the petitioner has sought initiation of criminal proceedings which are devoid of any foundation.

Consequently, I do not find any manifest illegality in the impugned orders dismissing the complaint of the petitioner which may warrant interference while exercising jurisdiction under Section 482 of the Code of Criminal Procedure.

Consequently, this petition stands dismissed.

August 24, 2017

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(ANUPINDER SINGH GREWAL)
JUDGE