

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

CRM No.M-24241 of 2017 (O&M)

Date of Decision: July 12, 2017

Sat Parkash Goyal

...Petitioner

VERSUS

Deepak Dumra

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Walia, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 06.08.2016 passed by learned Chief Judicial Magistrate, Ludhiana, vide which application filed by the petitioner under Section 340 Cr.P.C. was dismissed and judgment dated 04.01.2017 passed by learned Addl. Sessions Judge, Ludhiana, vide which the appeal filed by the petitioner was also dismissed.

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

From the record, I find that the petitioner filed application under Section 192, 196, 199 and 200 IPC read with Section 190, 340 and 195 Cr.P.C. for initiating proceedings against the respondent. Learned CJM, Ludhiana, after discussing the facts in detail, dismissed the application vide

Session and learned Addl. Sessions Judge, Ludhiana, also dismissed the appeal vide judgment dated 04.01.2017. Aggrieved from above-said order and judgment, present petition has been filed.

I have gone through the order and judgment passed by learned Courts below. Both the Courts below have given the concurrent findings. Nothing has been pointed out as to how the findings given by both the Courts below are perverse or against the evidence or law. Nothing has been pointed as to what illegality has been committed by the Courts below while passing the impugned order and judgment.

In the reply before the CJM, Ludhiana, respondent has stated that civil suit in question was filed by Sat Parkash Goyal on the basis of alleged agreement dated 21.09.1987, stated to have been executed by Hari Dutt Dumra. Learned Civil Judge vide judgment dated 23.12.2011, held that alleged agreement was a forged document and appeal against said judgment was also dismissed by learned Addl. District Judge, Ludhiana vide judgment dated 02.09.2014. Hari Dutt Dumra got lodged FIR No.94 dated 01.04.2006 against Sat Parkash Goyal and alleged witnesses of the said agreement, which matter was pending trial.

Learned trial Court after taking note of all these facts held that perusal of the judgment dated 23.12.2011 passed in civil suit dealing with issue No.4, reveals that agreement dated 21.09.1987 pleaded by complainant Sat Parkash Goyal in said suit as plaintiff, therein, to be a forged document, not actually signed by defendant Hari Dutt Dumra. Serious reflections were made by the Court as regarding the conduct of instant applicant-complainant Sat Parkash Goyal to the effect that he had

was no truth in the story propounded by him.

The Court below after discussing other facts also and taking note of the conduct of Sat Parkash Goyal, dismissed the application. The perusal of the findings given by learned Courts below shows that in no way, these findings can be held as illegal or amounting to miscarriage of justice.

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

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

July 12, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No