

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

**CRM No.M-32647 of 2015 (O&M)
Date of Decision: December 13, 2017**

Ashraf Khan

...Petitioner

VERSUS

Ram Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mohd. Arshad, Advocate
for the petitioner.

Mr.Amit Jain, Advocate
for respondent No.1.

None for respondent No.2.

Mr.Kuldeep Sharma, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against Ram Devi and other respondents for quashing the impugned summoning order dated 11.07.2013 passed by learned Judicial Magistrate Ist Class, Ferozepur Jhirka and also for quashing the judgment dated 15.07.2015 passed by learned Addl. Sessions Judge, Mewat, vide which the revision petition filed by the petitioner was also dismissed and all other consequential proceedings arising out of the same.

Notice of motion was issued. Learned counsel for respondent

No.1 as well as learned State counsel appeared and contested the petition.

However, none appeared on behalf of respondent No.2, despite service.

At the time of arguments, learned counsel for the petitioner argued that petitioner is not witness to the sale deed nor party to the sale deed. The cheque signed by the petitioner is used by the vendee of sale deed in question which was not handed over to the vendee by him and vendee has handed over the cheque to the complainant Ram Devi.

On the other hand, learned counsel for respondent No.1 argued that the present petitioner is close relative of Fata, who purchased the property of the complainant and issued cheque No.205577 dated 20.12.2012 amounting to ₹9,08,000/- as sale consideration. That cheque was bounced and a complaint was filed against Fata as well as Ashraf Khan.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner brought to the notice of this Court, statement of Smt.Ram Devi, given in the Court as CW-3, in which she has stated that the sale agreement of the land is carried out by Ashraf Khan. The perusal of the record shows that these are finding of facts whether Ashraf Khan has handed over the cheque at the time of sale deed to the complainant Ram Devi or this cheque has been misused by someone else. Otherwise also, the fact whether present petitioner carried out the sale agreement of the land or not, is also finding of fact. These findings are to be given by the Court below when the evidence will be produced before it. Without evidence before this Court, the summoning order as well as the judgment passed in the revision, on this ground cannot be quashed by this Court. The cheque in question is bearing signatures of present petitioner.

and judgment passed by 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.

December 13, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No