

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

(1)

**CRR-4204 of 2012
Date of decision:-2.11.2017**

Rajender

...Petitioner

Versus

State of Haryana and others

...Respondents

(2)

CRM-M-41258-2012

Rajender

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON' BLE MR. JUSTICE H.S. MADAAN

Present : Mr.R.S. Sheoran, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.A.S. Virk, Advocate
for the respondents No.2 and 3 in CRR-4204-2012 and
for the respondents No.2 to 4 in CRM-M-41258-2012.

H.S. MADAAN, J.

Vide this judgment, I propose to dispose of **CRR-4204 of**

2012 filed by petitioner complainant Rajender, praying that judgment passed by Additional Sessions Judge-I, Bhiwani be set aside and order of trial Court i.e. of SDJM, Charkhi Dadri, be modified and accused be summoned under Section 420, 465, 467, 468, 471 and 120-B IPC in complaint No. 11-C of 2009 and **CRM-M-41258-2012** in the form of petition under Section 482 Cr.P.C. filed by complainant – Rajender, seeking similar relief as in the revision petition.

The facts of the case are that complainant Rajender had filed a complaint under Sections 420, 465, 467, 468, 471/120-B IPC against accused Rajpal, Rajbir and Raghbir, all sons of Datta Ram Jaat, resident of village Shishwala, Tehsil Dadri, District Bhiwani. In the complaint, he had alleged that the accused in collusion with then Halqa Patwari, Shishwala had made cutting/over writing in the revenue record relating to mutation No.692 dated 30.7.1994 with the *mala fide* intention to decrease share of complainant in the land from 86 Kanals 14 Marlas to 83 Kanals 4 Marlas and increased their own share from 82 Kanals 2 Marlas. It had been alleged that area of complainant was also decreased by altering rectangle and killa No.27/5(8K-0M) into rectangle and killa No.27//5/1/2 (4K-10M) and on the basis of that forged and fabricated entry mutation No.692 dated 30.7.1994 was sanctioned by AC IInd Grade, Charkhi Dadri.

After recording of preliminary evidence, accused were summoned to face trial for the offences under Sections 465 read with Section 120-B IPC only whereas prayer made by the complainant to summon them for the offences under Sections 420, 467, 468, 471 IPC was declined.

Both the parties felt aggrieved by the said order passed by learned Sub Divisional Judicial Magistrate, Charkhi Dadri dated 25.2.2010 and preferred separate revisions inasmuch the complainant was aggrieved by the fact that accused had not been summoned for all the offences mentioned in the complaint, whereas the grouse of the accused was regarding they having been summoned in the complaint filed by complainant against them.

Both the petitions were disposed of vide a consolidated judgment passed by learned Additional Sessions Judge – I, Bhiwani vide order dated 17.9.2012 inasmuch revision petition filed by the complainant was dismissed, whereas revision petition filed by accused was allowed. The operative part of the order reads as under:

“The facts of the case are not in dispute. Admittedly, the complainant had accused were co-sharers in the khewat along with other co-sharers. It appears that partition proceedings proceedings were initiated and revenue officer partitioned their land on the basis of mutual settlement. It appears that some manipulations were made by the Patwari Halqa. Interestingly, the complainant has not arrayed the Patwari as an accused in this case. In fact, the Patwari has appeared as a witness on behalf of the complainant as CW-3. I am of the considered view that Sub-Divisional Judicial Magistrate, Charkhi Dadri has passed the impugned order without applying his mind. By cutting etc. not only the share of the accused was enhanced but the share of the other co-sharers was also enhanced. In

these circumstances, it cannot be said that only the accused were responsible for the manipulation. In view of this, I allow the revision petition filed by the accused and dismiss the revision petition filed by the complainant.

Feeling aggrieved, the complainant has knocked at the door of this Court and filed the present petitions.

Notice of both the petitions was given to the respondents, who appeared through counsel.

I have heard learned counsel for the petitioners and learned Assistant Advocate General for the State of Haryana as also learned counsel for other respondents besides going through the record and I find that there is no merit in the revision petitions. There is no illegality or infirmity in the judgment passed by the Court below, rather the same is found to be based upon proper appraisal and appreciation of evidence and correct interpretation of law. There is no reason to exercise power under Section 482 Cr.P.C. as prayed for in the petition so filed by the complainant.

After hearing the rival contentions, I find that law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such judgment is to be done.

In view of the above, I find no illegality or infirmity in the judgment passed by the Court below, the same is upheld and CRR-4204 of 2012 and CRM-M-41258-2012 filed by petitioner Rajender are found to

be without any merit and are dismissed accordingly.

Necessary information be sent to the quarter concerned.

2.11.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No