

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3420 of 2014

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Date of decision:28.11.2017

Rameshwar Dass

...Petitioner

v.

Niranjan Singh and another

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gaurav Sethi, Advocate for the petitioner.

Mr. Aman Pal, Advocate for the respondents.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 13.1.2014 passed by learned Sessions Judge, Yamuna Nagar at Jagadhri, whereby the revision petition filed under Section 397 Cr.P.C. against the order dated 8.7.2013 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, has been allowed and the impugned summoning order so far as it related to Niranjan Singh was set aside.

Notice of motion has been issued in this criminal revision.

Mr. Aman Pal, learned Advocate has put in appearance on behalf of the respondents and contested this revision petition.

From the record, I find that Rameshwar Dass-complainant filed

a complaint against Phool Chand, Som Nath, Mehar Chand and Niranjn Singh for the offences under Sections 420, 467, 468, 471 and 120-B IPC. The learned Judicial Magistrate Ist Class, Jagadhri vide order dated 8.7.2013 summoned Phool Chand and Niranjn Singh, accused No.1 and 4. Aggrieved from this order Niranjn Singh filed criminal revision before the learned Sessions Judge, which was allowed by the learned Sessions Judge, Yamuna Nagar at Jagadhri and set aside the summoning order. Aggrieved against this order passed by the learned Sessions Judge, this criminal revision petition has been filed by the complainant.

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

The brief facts of the case as mentioned in the summoning order dated 8.7.2013 passed by the learned Judicial Magistrate Ist Class, Yamuna Nagat at Jagadhri, are as under:-

“The instant complaint has been moved by the complainant against the accused persons on the averments that the accused No.1 had entered into an agreement to sell with the complainant on dated 29.8.2005 to sell the property belonging to accused No.1 as detailed in para No.2 of the complaint, for a total sale consideration of Rs.1,82,000/- and the date for execution of the sale deed was fixed as 15.5.2006. The complainant has paid a sum of Rs.60,000/- as earnest money on dated 29.8.2005 which had been received by accused No.1 and also executed a receipt at the bottom of the agreement to sell. Thereafter, he did not

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perform his part of the contract and the complainant had filed a civil suit for specific performance but the accused No.1 to 3 got prepared one fake agreement to sell dated 2.5.2005 regarding the sale of the land in dispute in favour of accused No.4 and also got executed the sale deed dated 27.11.2006 in favour of accused No.4, just to deprive the complainant from his valuable rights, hence, the instant complaint.”

From the record, I find that the order passed by the learned Sessions Judge, Yamuna Nagar at Jagadhri is correct as per evidence and law. In no way, the order can be held as perverse or illegal. Niranjana Singh-respondent No.1 in this petition is the subsequent vendee. The sale deed was to be executed on 15.5.2006 by Phool Chand-accused in favour of the complainant Rameshwar Dass which has not been executed by Phool Chand. The sale deed has been later on executed on 27.11.2006 by Phool Chand in favour of Niranjana Singh. As per law laid down by the Hon'ble Supreme Court, it is Niranjana Singh who has been cheated. He has paid the sale consideration. He has neither induced the complainant to pay money nor Niranjana Singh is beneficiary of any wrongful gain. The learned Sessions Judge has discussed this aspect that Niranjana Singh had parted with the sale consideration and has even been deprived of the purchased land and in fact is a victim of cheating rather than being its culprit. There is nothing on the record that he has forged or fabricated any document. The order dated 13.1.2014 passed by the learned Sessions Judge, Yamuna Nagar at Jagadhri is correct as per evidence and law and does not require any

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interference from this Court.

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

November 28, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No