

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

**Crl. Revision No.692 of 2016 (O&M)
Date of Decision: March 21, 2017**

Krishan Lal Bhatia

.....PETITIONER(s).

VERSUS

Balwinder Singh @ Billu

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parveen Chauhan, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Petitioner filed a complaint for the offences punishable under Sections 182, 195, 211, 406, 418 and 420 of Indian Penal Code (for short-IPC), which was dismissed by learned Judicial Magistrate, 1st Class, Ludhiana and appeal filed by complainant-petitioner was dismissed by learned Additional Sessions Judge, Ludhiana.

Case of complainant in brief is that respondent is a tenant in his shop and there is dispute regarding payment of rent. Petitioner alleged in his complaint that respondent with malafide intention of cheating committed criminal breach of trust for grabbing the shop under his tenancy and got registered FIR No.60/05 at Police Station Division No.6, Ludhiana for the offences punishable under Sections 452, 148, 506, 120-B IPC levelling false allegations against the petitioner, his two sons and two other persons. Complainant alleged that by lodging false FIR, the respondent has committed offences punishable under Sections 182 and 195 IPC. All the allegations levelled by the respondent in that FIR were false and after

registration of the FIR, the respondent got removed the electric meter installed in the shop in dispute and got installed electric meter in his name.

Learned trial Court while dismissing the complaint observed that as per the provisions of Section 195 Code of Criminal Procedure (for short-Cr.P.C.), it cannot take cognizance for the offences punishable under Sections 182 and 195 IPC. Regarding allegation of petitioner that respondent has committed offence punishable under Section 406 IPC by getting the electric meter installed in the name of petitioner in the shop under his tenancy, removed, it was observed that the electric meter belong to the Electricity Board and not to the consumer, as such, provisions of Section 406 IPC are not attracted if the electric meter has been removed by the Electricity Board and a new meter has been installed. In the same manner, no cheating of the petitioner on these allegations is made out. Learned Magistrate also observed that no offence under Sections 211, 418 or 420 IPC is disclosed from the allegations in the complaint and evidence on record.

The above observations were affirmed by lower Appellate Court while dismissing the appeal filed by the petitioner.

I have heard learned counsel for the petitioner and have perused the paper book with his assistance.

It is not disputed that for offences punishable under Section 182 and 195 IPC, the trial Court could not take cognizance except on the complaint in writing of concerned public servant/Court or by such officer of that court as that Court may authorise in writing on his behalf or some other public servant/Court to which that public servant or Court was subordinate.

The allegations of the petitioner are that the respondent had wrongly got

registered FIR No.60/05 at Police Station Division No.6, Ludhiana against him, his sons and two other persons. It has not been disclosed that the allegations levelled were found false or any observation to this effect was made during investigation or trial. I find no reason to differ with the view taken by both the Courts below in this regard.

No offence punishable under Section 406 and 420 IPC is disclosed because of the fact that respondent got changed the electric meter. It is nowhere case of the petitioner that some misrepresentation was made by the respondent while getting the electric meter changed. Consequently, no offence under Section 418 or 211 IPC is made out. It appears that the petitioner has tried to settle the dispute pertaining to the tenancy rights of the respondent and of registration of FIR No.60/05 at Police Station Division No.6, Ludhiana against him by the respondent by filing this complaint. Both the Courts below have looked into the allegations in detail while dismissing the complaint and during course of arguments by learned counsel for the petitioner, no reason could be made out to arrive at a different conclusion.

This revision petition has no merits.

Dismissed.

March 21, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***