

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

CRM-M-18658-2014

Date of decision:-28.5.2018

Partap Singh and others

...Petitioners

Versus

Satpal and another

...Respondents

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

Present : Mr.Raman Chawla, Advocate
for the petitioners.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Shalender Mohan, Advocate
for the respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioners – Partap Singh and others seeking quashing of criminal complaint No.330-I dated 22.11.2010 for the offences under Sections 420, 467, 468, 471, 34 IPC and summoning order dated 28.9.2013 vide which the petitioners have been summoned to face trial for the offences under Sections 420 and 34 IPC.

The facts of the case, in brief, as stated in the complaint are that father of the complainant Sh.Ramsarup aged about 75 years had agricultural land situated at village Siswal; that the father of the complainant had mortgaged without possession land bearing Khasra No.126//1, 2, 3, 18, 24; 197//1, 2, 9 with Punjab National Bank, Modakhera and land bearing khasra No.126//23, 105//24, 25 had been mortgaged without possession with the Primary Land Development Mortgaged Bank, Adampur for the purpose of raising loans from those banks, however, possession of the land remained with the complainant and his father; that Ashok Kumar and Balbir Singh, both Patwaris of Halqa Siswal, Tehsil Adampur had forged and fabricated the entries in the revenue record of those khasra numbers in report roznamcha No.529 dated 28.8.2008 in connivance with other accused and got made the statement fraudulently by impersonation on the basis of alleged order of Sh.Dharam Pal, Naib Tehsildar, Adampur, whereas there was no such order of eviction and no warrants of possession had been issued; that the complainant and his father were already in possession of the land bearing Khasra Nos.67//20(8-0), 21(8-0), 87//13/1(0-12), 126//18/2(6-4), 23/1(0-8) and father of the complainant had already mortgaged those khasra numbers for raising the loans from the banks in question; that there was no change in possession on that land at the spot; that the accused persons in collusion with accused Halqa Patwari got fabricated the entries as mortgage of Khasra No.126//10 instead of Khasra No.126//18 in the jamabandi for the year 2005-06 in the column of Kafiayat; that on the basis of that entry, mutation was got sanctioned; that accused Partap Singh got entered the specific khasra numbers in the

sale deeds No.704 of 19.6.2009, 659 of 18.5.2010, 875 of 28.5.2010 and on the basis of those sale deeds, mutations have been sanctioned; that the complainant came to know about those facts in January, 2010.

After recording of preliminary evidence, the trial Magistrate summoned all the accused vide order dated 28.9.2013 and para No.5 of that order is being reproduced for ready reference:

I have heard the learned counsel as well as perused the documentary evidence placed on record by the complainant. As per report under Section 202 Cr.P.C. submitted by the police after investigation and on the basis of above mentioned evidence, this Court is of the view that there are sufficient grounds for presuming that accused no.1 to 10 have committed an offence punishable under Sections 420 read with Section 34 of IPC. However, no case is made out against the accused no.1 to 10 under Sections 467, 468, 471 of IPC. Let accused no.1 to 10 be summoned accordingly to face trial for the commission of an offence punishable under Sections 420 read with Section 34 of IPC.

The petitioners have accordingly approached this Court by filing the present petition feeling aggrieved by filing of the complaint and passing of the summoning order, notice of which has been issued to the respondents, who put in appearance through counsel.

After hearing the rival contentions of learned counsel for the parties, I find that the petition is doomed for failure. I do not see any reason to quash the complaint and the summoning order. The accused,

who have been summoned can put up all the pleas available to them during the trial. It cannot be said that the complaint does not reflect commission of any cognizable offence by the accused or that it is an abuse of process of law. Similarly, I do not find any illegality or infirmity in the impugned summoning order. It needs to be mentioned here that on filing of complaint in the Court, the trial Magistrate had sought report from the local police in terms of Section 202 Cr.P.C., which corroborated the version of the complainant in the complaint. In the instant case DSP, Hisar has filed short reply by way of affidavit mentioning therein that such respondent was directed by Illaqa Magistrate, Adampur to investigate the matter and submit report under Section 202 Cr.P.C., accordingly during the investigation, revenue record was collected, statements of witnesses were recorded and it was found that alleged offences had been committed by the accused persons.

I do not find any illegality or infirmity in such order, which might have called for interference by this Court while exercising jurisdiction under Section 482 Cr.P.C.

Therefore, the petition stands dismissed.

28.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No