

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24870-2018 (O&M)

Date of Decision:- 2.7.2018

Rajinder Sekhon

... Petitioner

Versus

Balwinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanishk Lakhanpal, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The present petition is directed against order dated 21.2.2018 vide which the learned Additional Sessions Judge, Tarn Taran has upheld order dated 6.6.2017 passed by learned SDJM, Khadoor Sahib whereby an application filed by the petitioner under Section 156(3) Cr.P.C. has been disposed of by directing that the same be treated as a private complaint.

Learned counsel for the petitioner while assailing the impugned order has submitted that in fact when the application under Section 156(3) of Cr.P.C. was filed, a report of SHO had been sought by the learned SDJM, and the SHO had reported that legal proceedings are required to be initiated against the accused as a fraud had been committed with petitioner-Karnail Singh but despite the said report no FIR was ordered to be lodged solely on the ground that the petitioner on earlier occasions also moved identical

applications which had been inquired into by the police but no FIR was registered.

I have considered the aforesaid submission.

The dispute, in nutshell, pertains to the allegation that the accused had got a sale deed registered from the son of the petitioner by fraud and that no amount towards sale consideration had actually been passed.

It will not be out of place to mention here that the petitioner is also pursuing his remedies on the civil side by filing a civil suit.

In view of the aforesaid position, order dated 6.6.2017 as affirmed by the learned Additional Sessions Judge, Tarn Taran vide order dated 21.2.2018 for treating the application filed by the petitioner under Section 156(3) Cr.P.C. as a private complaint cannot be said to be erroneous. There is no infirmity in the impugned order and the same is hereby upheld. Finding no merit in the petition, the same is dismissed.

It is however made clear that the learned trial Court while proceedings with the private complaint shall not be influenced by any the observations recorded by the learned Additional Sessions Judge, Tarn Taran in his order dated 21.2.2018.

July 2, 2018

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No