

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

248

CRM-M-37291-2015 (O&M)

Date of decision:22.05.2018

Balwinder Singh and others

...Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.J.S.Lalli, Advocate and
Mr. Narinder Singh, Advocate for the petitioners.

Mr. A.A.Pathak, AAG, Punjab.

Mr. M.K.Singla, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (ORAL)

In the present petition petitioner has sought for quashing the complaint titled as Telu Singh versus Gurjinder Singh alias Gulzar Singh and others bearing No. 20 of 09.07.2013 under Sections 420, 465, 467, 468, 471, 120B IPC pending in the court of Mrs. Balvinder Kaur Dhaliwal, PCS, Judicial Magistrate and summoning order dated 21.09.2013 and further dismissing the revision petition against the summoning order.

Petitioners were stated to be relatives of one Sh. Sucha Singh. The grievance of the complainant-Telu Singh is that a property which is stated to have been stood in the name of Shiv Kishan was transferred and mutation was made in favour of the Sucha Singh and others in the year 1956. Sh. Shiv Kishan and his children have not raised any dispute from 1956 to 2012. Dispute is relating to mutation in the name of Sucha Singh and others.

For the first time complainant stated to have approached Sucha Singh on 25.10.2012 seeking for contract money (batai) which was refused. Consequently, complainant proceeded to initiate complaint proceedings. It was submitted that up to 2012 Sucha Singh and others were paying regular contract money etc. Registration of complaint against the petitioners who are only relatives to Sucha Singh is not maintainable for the reasons that land was mutated in the name of Sucha Singh and others. If any grievance it should have been against Sucha Singh that too in a civil proceeding. Therefore, complaint against petitioner is unauthorized. Consequently, complaint and other consequential proceedings are set aside. Petition stands allowed. It is made clear that allowing the present petition would not come in the way of respondent No.2-Telu Singh to agitate his right in the civil dispute in accordance with law.

22.05.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No