

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6040-2015

Date of decision: 31.08.2018

Harbhagwan

..... Petitioner

Versus

Naib Singh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Tribhuwan Singla, Advocate for the petitioner.

**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 482 Cr.P.C., challenge has been laid to order dated 04.09.2013 (Annexure P-1) of the Judicial Magistrate Ist Class, Patiala, dismissing complaint of the petitioner at pre-summoning stage and judgment of the Revisional Court dated 13.11.2014 (Annexure P-2), affirming order Annexure P-1 of the trial Court.

Briefly, the petitioner filed a complaint under Sections 420, 406 and 120-B IPC, against the respondents on the allegations that on 15.05.2003, respondent No. 1-Naib Singh, borrowed a sum of ₹ 2 lakhs from him against written receipt duly witnessed by respondent No. 2-Raymarik Singh, who is employee of respondent No. 1, with a promise that in case, respondent No. 1 does not return the same, he will transfer

ownership of a plot owned by him in favour of the petitioner. On 12.05.2006, when the petitioner went to the house of respondent No. 1 to take back ₹ 2 lakh, respondent No. 1 threw the petitioner from his house by giving beatings. On the very next day i.e. on 13.05.2006, petitioner moved a complaint before the Senior Superintendent of Police, Sangrur and another complaint dated 04.05.2007, before the Senior Superintendent of Police, Patiala. However, the police showed its inability to take action against respondent No. 1, he being father of a Assistant District Attorney.

Consequently, on 24.05.2007, the petitioner moved application before worthy Chief Minister, Punjab, whereupon the concerned Deputy Superintendent of Police, Patran, got effected compromise in between the petitioner and respondents, whereby respondent No. 1 admitted to return the borrowed amount within six months. In case, respondent No. 1 fails to fulfill his promise, he would transfer ownership of a plot in favour of the petitioner.

When respondent No. 1 did not fulfill his promise, the petitioner moved another complaint on 27.08.2007 to Punjab State Human Rights Commission, Punjab, Chandigarh, but in vain. Resultantly, the petitioner filed a criminal complaint under Section 156(3) Cr.P.C. against the respondents in Court. After recording statement of the petitioner, his three witnesses, namely; CW-2 Janak Raj, CW-3 Pritam Singh and CW-5 Gurmail Singh and CW-4 Som Nath Sharma, Senior Assistant, Punjab Human Rights Commission and hearing learned counsel for the petitioner, the trial Court dismissed his complaint

vide impugned order dated 04.09.2013 (Annexure P-1).

Being aggrieved, the petitioner approached Revisional Court, but remained un-successful as his revision too was dismissed vide judgment Annexure P-2.

Learned counsel for the petitioner *inter alia* contends that from the very beginning respondent No. 1 was having dishonest intention and in connivance of respondent No. 2, borrowed ₹2 lakh from the petitioner, on false pretext of returning the same in time, but did not fulfill his promise.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds no merit in the instant petition for the reasons to follow:

No question of law much less substantial, has been raised in the instant petition.

Concurrent findings on appreciation of evidence minutely are recorded by both the Courts below. Therefore, no interference is called for.

The date of return of alleged borrowed amount was not fixed in between the parties. Petition is silent about this fact. Even no writing was got executed by the petitioner from respondent No. 1 that in case, he fails to return the amount, he would transfer ownership of his plot in favour of the petitioner. There is no eye-witness account to the advancement of alleged loan by the petitioner to respondent No. 1.

The alleged compromise, arrived at between the parties was effected before the police. Therefore, it has got no legal sanctity in the

eyes of law. There is no documentary evidence in favour of the petitioner in the shape of some pronote, receipt or agreement etc.

I have carefully gone through the impugned orders Annexures P-1 and P-2, of both the Courts below and find no illegality or perversity in the same.

Dismissed.

**August 31, 2018**  
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**( RAMENDRA JAIN )**  
**JUDGE**

**Whether speaking/reasoned    Yes/No**

**Whether reportable                Yes/No**