

CRR-2172 of 2015

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

CRR-2172 of 2015

Date of decision: 10.09.2018

Bharat Bhushan Ahuja

.....Petitioner

versus

Satish Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Aditya Vikram, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision challenge has been laid to order dated 19.01.2015 of the trial Court, whereby complaint of the petitioner was dismissed at the initial stage.

Briefly, petitioner filed a complaint under Sections 406, 420, 506, 467, 468, 471 and 120-B IPC against respondents, alleging that his parents had purchased 5000 square yards of land comprising khasra Nos.609/318//1, 596/320 and 697/321/1 situated at Moja Gaddiwara (Krishanpura), Panipat, in two parts. 3000 square yards was purchased by his father and remaining 2000 square yards by his mother in the year 1972 from Ashok Kumar son of Khushal Chand. However, some typographical mistake occurred in mentioning the correct khasra numbers. Unfortunately, both the aforesaid registered sale deeds were not got reflected in the revenue record. Petitioner and his predecessors-in-interest were continuing in possession of the said land. In the year 2004 father of the petitioner namely, Mulakh Raj Ahuja entered into agreement for sale 3000 square yards to respondent No.4-

Suhshil Gupta and received ₹1.5 crores as earnest/advance money out of total sale consideration of ₹1.60 crores. However, before execution of sale

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deed, respondent No.4 became dishonest and colluded with respondents No.5 and 6, taking advantage of the fact that mutation of the property was not sanctioned in favour of the parents of the petitioner. He directly got executed sale deed from respondents No.5 and 6 in his favour. In the year 2009, respondents by obtaining signatures of the petitioner forcibly on blank papers tried to dispossess him from the land in question, but remained unsuccessful. Consequently, FIR No.700 dated 01.10.2009 was registered against the respondents. But the police did not take any action against them, forcing the petitioner to file the impugned complaint. In preliminary evidence, petitioner examined himself as CW1, besides four other witnesses.

After hearing learned counsel for the petitioner, trial Court vide impugned order dated 19.01.2015 dismissed the complaint.

Learned counsel for the petitioner *inter alia* contends that respondents are land grabbers. They in connivance with each other illegally dispossessed the petitioner in the year 2010, taking advantage of the fact that mutations of both the sale deeds in favour of his parents were not got entered in the revenue record. Since, the year 1972, petitioner and his predecessors were in possession of the land in question as its legal owner. Respondents had no right to dispossess the petitioner from the said land without adopting due course of law. Police also conniving with the respondents did not take any action against them in the FIR lodged by the petitioner.

Having considered the submissions made by learned counsel for the petitioner, this Court finds that the instant petition is completely devoid of any merit for the reasons to follow.

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matter in dispute between him and the respondents is of civil nature inasmuch as some civil litigation had also continued between the parties in which some compromise between them took place. In case, petitioner was dispossessed illegally from the land in question, in that eventuality he was supposed to file a civil suit for possession inasmuch as a person cannot be put into possession by adopting criminal course of action.

Even otherwise, the matter in dispute between the parties requires appreciation of evidence so to be led by them during trial before a civil Court inasmuch as admittedly, father of the petitioner had entered into some agreement to sell with respondent No.4 and also received hefty sum of ₹1.50 crores from him, out of total sale consideration of ₹1.60 crores. Therefore, after appreciation of evidence only it would be ascertainable as to what is the real bone of contention between the parties or as to whether petitioner was ever dispossessed forcibly from the land in question or possession was taken from him pursuant to the agreement to sell executed by his father or on account of some other arrangement between them.

Alleged typographical mistake in mentioning correct khasra numbers in the registered sale deed in favour of the parents of the petitioner can also be appreciated only after the evidence is being led by the petitioner in civil suit and not in a criminal complaint in this respect.

I have gone through the impugned order and find no illegality or perversity in the same.

Dismissed.

September 10, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No