

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRR-1763-2016

Date of Decision: August 16, 2018

Natha Singh

.....Petitioner(s)

versus

Mohinder Kumar and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Jatinderpal Singh, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Davinder Singh Khurana, Advocate
for respondents No.1 and 2.

Sudhir Mittal, J. (Oral)

The petitioner is aggrieved by judgment dated 13.09.2012 passed by the Court of Sub-Divisional Judicial Magistrate, Gidderbaha whereby respondents No.1 and 2 were acquitted as well as judgment dated 13.01.2016 whereby his appeal has been rejected.

2. The petitioner is the complainant. FIR No.109 dated 27.09.2003 was registered on his complaint at Police Station Kot Bhai, District Muktsar Sahib, under sections 420, 467, 468, 471, 120-B IPC.

3. Respondent No.1 Mohinder Kumar mortgaged property in dispute measuring 1 kanal 1 marla in favour of State Bank of Patiala vide the registered mortgaged deed dated 28.04.1997. Thereafter, petitioner-Natha Singh got the aforementioned FIR registered alleging that the land in dispute belongs to him and

that respondent No.1 had cheated him by representing himself to be the owner to State Bank of Patiala. During the course of the trial, it also transpired that father of the petitioner namely Puran Singh had executed an un-registered document of sale, dated 09.03.1981, in favour of respondent No.1, on the basis of which, the said respondent claimed to be the owner of the said piece of land.

4. Learned trial Court vide judgment dated 13.09.2012 held that respondent No.1 considered himself to be the owner of the land in dispute and therefore, when he mortgaged the same to State Bank of Patiala there was no *mens rea* existing and thus, no criminal liability was involved. In appeal, the learned appellate Court has held that the petitioner had no *locus standi* to file a complaint as he himself had transferred the land in dispute in favour of his son-Jaspal vide the registered transfer deed dated 22.02.2000.

5. None of the findings can be said to be perverse or contrary to the record and thus, I do not see any good reason to exercise jurisdiction under section 397 of the Code of Criminal Procedure, 1973.

6. Thus, the instant petition has no merit and is accordingly dismissed.

August 16, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No