

CRR-2016 of 2016

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

CRR-2016 of 2016
Date of decision: 08.08.2018

Balwant Singh

.....Petitioner

versus

Radhey Shyam and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. J.P. Sharma, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision petition challenge has been laid to judgment of the First Appellate Court dated 20.02.2016, whereby appeal of the petitioner against the respondents was dismissed, thereby affirming judgment of the trial Court dated 02.08.2014, acquitting the respondents in case FIR No.10 dated 05.01.2009 registered under Sections 406, 409, 419, 420, 506 and 120-B IPC pertaining to Police Station Kanina registered on the basis of complaint of the petitioner referred under Section 156(3) Cr.P.C. to the police.

Briefly, a complaint was filed by respondent No.2-Rekha under Sections 323, 325 and 506 read with Section 34 IPC against the petitioner in connivance with respondents No.1 and 3, who at that time were Sarpanch and relative of respondent No.2, respectively, to pressurise the petitioner to compromise with respondent No.2. Consequently, petitioner compromised

with respondent No.2 and in lieu thereof paid Rs.51,000/- to respondent No.1, who was Sarpanch of the Village at that time, to deposit the same in

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the Gram Panchayat account for the welfare of the Village, as per terms and conditions of compromise Ex.D1. However, respondent No.1 in connivance with respondents No.2 and 3 usurped the said amount in violation of the terms and conditions of the compromise. On the basis of these broad allegations, petitioner filed a complaint against the respondents.

After holding trial, the trial Court dismissed the complaint vide impugned judgment dated 02.08.2014.

Being aggrieved, petitioner approached the First Appellate Court, but remained unsuccessful as his appeal too was dismissed vide impugned judgment dated 20.02.2016.

Having heard learned counsel for the petitioner and perusing the record, I find this petition completely devoid of any merit for the reasons to follow.

The entire case of the petitioner is based on a writing Ex.D1, alleged to be a compromise in between the petitioner and the respondents. The First Appellate Court has observed that Ex.D1 is a writing executed in Police Station Kanina. The settlement allegedly in between the petitioner and the respondents is not signed by either of the respondents. Therefore, by any stretch of imagination, it cannot be said that the respondents had committed any breach of their settlement with the petitioner. The petitioner has not proved alleged undertaking of the respondents before Panchayat or otherwise that the amount of Rs.51,000/- paid by him to the respondents towards compromise would be deposited by them in the Panchayat fund for the welfare of the Village. In the absence of any such evidence, the stand of the petitioner has no legs to stand.

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illegality or perversity in the same, rather the same are well-reasoned, based on appreciation of evidence correctly.

In view of the discussion made above, revision petition is dismissed.

August 08, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No