

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

**CRM-M-2576 of 2019
DECIDED ON: 21.01.2019**

RAM JIWAYA

..PETITIONER

VERSUS

MAHA SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Panwar, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., complainant-petitioner has laid challenge to order dated 04.08.2018 (P-4) of the revisional court, whereby order dated 05.08.2015 (P-2) of the trial court, dismissing his complaint, was affirmed.

Briefly, petitioner filed a complaint against respondents, Municipal Commissioner/Executive Officer, Municipal Council, Panipat, under Sections 420, 467, 468, 471, 506 and 120-B IPC, on the allegations that house bearing No.339 measuring 125 Sq. feet, situated in Ward No.3, Khere Wali Gali, Krishanpura, Panipat came to his share through his father Bhula Ram vide a gift deed dated 22.08.2008. On 01.04.2009, respondents No.1 to 6 forcibly entered his house, abused and threatened him to take forcible possession of the said house.

Consequently, the son of the petitioner moved complaint to the police. During investigation, one Assistant Sub Inspector Bhim Sen and respondents No.1 to 6 obtained thumb impression of father of the complainant on some blank papers and threatened to use the same against the petitioner. Thereafter, on the basis of a forged gift deed, respondent No.1 transferred the said property to his wife namely Rajbala-respondent No.2, who further sold it to respondent No.3 vide registered sale deed dated 16.02.2009. Municipal Council issued wrong assessment documents without verifying the ownership of the said house. In this way, respondents had cheated and committed fraud with the petitioner.

After holding trial, trial court dismissed the complaint vide impugned order dated 05.08.2015.

Being aggrieved, petitioner approached the revisional court, but remained unsuccessful as his revision, too was, dismissed vide order dated 04.08.2018 (P-4).

Learned counsel contends that both the courts below failed to appreciate that alleged gift deed, on the basis of which, respondent No.1 transferred the house in dispute to his wife, who further sold the same to respondent No.3 was the result of issuance of wrong assessment document by the Municipal Council, Panipat to respondent No.1, inasmuch as, respondent No.1 was not having any proof of ownership of the house in dispute in his favour. Rather, he was disowned by their father long back.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court does not find merit in the instant petition for the reasons to follow:-

1. It is a family dispute between two brothers. By way of filing complaint against the respondents, petitioner wants to usurp the share of his own brother i.e. respondent No.1, taking advantage of the fact that he may be having some temperamental difference with his father.

2. Respondent No.3 is a bonafide purchaser of the suit land. Therefore, he cannot be penalized for family dispute between two brothers. At the most, petitioner can seek his redressal only against respondent No.1 and no-one else before appropriate forum.

In view of discussion made above, this Court does not find any illegality or infirmity in the impugned judgments passed by both the courts below. The same are upheld.

Accordingly, the instant petition stands dismissed.

21.01.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**