

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

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**CRM-M-13975-2016(O&M)
Date of decision :20.11.2019**

GINDER SINGH

.....Petitioner

versus

DEEWAN SINGH & ORS

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (ORAL)

The order passed by the learned Magistrate discharging the respondents has been affirmed by the Court of Sessions in revision.

Learned Magistrate after examining the available material on the record has recorded observations, which are extracted as under:-

“15. This apart, it has been categorically admitted by the complainant during the course of his cross-examination that order passed by settlement officer has never been implemented in the revenue record and entire revenue record is in the name of accused no.1 Deewan Singh thereby showing accused no.1 to be owner of the property in dispute. Further, it is an admitted fact between the parties that right of the complainant stems from sale deed dated 19.3.1981 executed by Swaran Singh in his favour. Certified copy of which has been placed on record as Ex.C/D during the course of cross-examination of witness Ram Saroop and sale deed dated 12.12.1989 which has been placed on record as Ex.D/D. From the perusal of these two sale deeds it is clearly revealed that vide two sale deeds aforementioned property comprised in Khasra No.33//12/2 and 22//2/2 was sold by Swaran Singh in favour of complainant. Consequently, mutation of the said land was also entered into revenue record in favour of complainant Ginder Singh which was placed on record as Ex.DB and Ex.DC. Further jamabandi placed on record as Ex.DF, DG and DH, DI, DL clearly reveals that complainant Ginder Singh has been recorded as owner of property purchased by him from his predecessor in interest Swaran Singh i.e. property

comprised in Khasra No.33//12/2 and 22//2/2. Aforementioned entire record reveals that infact there is a dispute of identity of property between the parties to which complainant is intending to give a colour of offence. Even otherwise from the record it appears that it is complainant who is at fault since by way of sale deed he has purchased the property comprised in Khasra No.33//12/2 and 22//2/2 and he has been recorded as owner of the same in the revenue record and without disclosing the entire position he wants the property in dispute i.e. property comprised in rectangle No.39, khasra No.3/1/2/ to be mutated in his name. Meaning thereby that he wants both the properties to mutated in his name on the basis of single sale deed dated 19.3.1981 which is absolutely impermissible. Therefore, it stands clearly substantiated from the perusal of entire record placed on file by the complainant that there is actually a civil dispute between the parties and there is not even an prima facie case against the accused no.1 Deewan Singh to the effect that he has ever created any false documents by executing sale deed in favour of accused no.2 to 4.”

This court has heard learned counsel for the petitioner at length and with his able assistance gone through the paper book.

This Court is of the view that firstly, the present petition is not maintainable as no second revision is maintainable under the garb of Section 482 Cr.P.C.. Secondly, although, learned counsel for the petitioner made sincere attempt, however, could not draw attention of the Court to any factual or legal error in the observations made by the Courts below. Further, it is not disputed that the civil litigation between the parties is pending.

Hence, no ground is made out to interfere with the order passed by the learned Magistrate.

Dismissed.

November 20, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No