

CRM-M-14533 of 2018

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

CRM-M-14533 of 2018
Date of Decision: 10.04.2019

Sahib Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Arjun Veer Sharma, Advocate, for the petitioner.
Mr. Amandeep S. Gill, DAG, Punjab.
Ms. Sumanjit Kaur, Advocate, for respondents No.2 and 3.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing impugned order dated 21.07.2017 (Annexure P-4) of the revisional Court, whereby summoning order dated 10.06.2015 (Annexure P-2) of the trial Court has been set aside.

Briefly, petitioner filed a complaint under Sections 323, 341, 452, 506, 34 IPC against respondents No.2 and 3 (in short 'private respondents'), who are none else, but his real sister and brother-in-law, alleging that private respondents killed his father by maltreating and beating him to grab his immovable property. Petitioner along with his family was shunted out from the ancestral house by private respondents by beating and intimidating him with dire consequences.

After recording preliminary evidence, trial Court summoned private respondents vide order dated 10.06.2015 (Annexure P-2), which under challenge by the private respondents in revision, was set aside vide

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impugned order dated 21.07.2017 (Annexure P-4).

Learned counsel for the petitioner *inter alia* contends that petitioner was beaten up by the private respondents, while he was going to attend the Court proceedings at Ambala. When the police did not register FIR, he filed impugned complaint. Trial Court legally summoned the private respondents after recording preliminary evidence vide order dated 10.06.2015 (Annexure P-2), which could not have been set aside in revision. Revisional Court, if was of the opinion that summoning order was defective, instead of setting aside the same, ought to have remanded the case to the trial Court for fresh decision.

On the other hand, learned counsel for private respondents vehemently opposed the above submissions, contending that there is no medico-legal report in support of sufferance of injuries by the petitioner at the hands of private respondents. Entire story of the petitioner is in the air. He filed the impugned complaint to blackmail his sister and brother-in-law.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

It is indeed admitted by learned counsel for the petitioner that petitioner has lost his battle upto this Court on civil side and now matter is pending before the Hon'ble Supreme Court, but there is no stay in his favour. There is no title document in favour of the petitioner or his father. According to learned counsel for private respondents, property in dispute was purchased by them from one Kaushalya Devi vide registered sale deed dated 31.08.1973.

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Considering above aspect of the matter and going through the impugned judgment of the revisional Court, which is perfectly legal, this Court is not inclined to differ with the same.

Dismissed.

April 10, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No