

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-12753-2019

Date of decision: 19.03.2019

Hardyal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Varinder Basa, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for setting aside order dated 29.11.2018 (Annexure P-3) of the Judicial Magistrate Ist Class, Batala and order dated 28.02.2019 (Annexure P-5) of the Revisional Court, whereby application under Sections 45 and 73 of the Indian Evidence Act, moved by the petitioner through learned Public Prosecutor, for examining handwriting expert was dismissed.

Heard.

The instant petition is a gross abuse of the process of law by the petitioner, inasmuch as, under the garb of some order of this Court, he wants to usurp the valuable property of respondent No. 2-owner, despite the fact that he was ordered to be evicted from the demised premises in eviction petition filed by respondent No. 2. Eviction of the petitioner has been upheld up to this Court. Therefore, the petitioner with *mala fide* intention has lodged the instant FIR No. 153 dated 16.09.2014, under Sections 193, 196, 420, 465, 467, 468, 471 IPC, Police Station City, Batala, against

respondent No. 2-owner.

For ready reference, relevant para of impugned order dated 29.11.2018 (Annexure P-3) is reproduced hereunder:-

6. It is also pertinent to mention there that on the basis of alleged forged rent deed the complainant was ordered to be evicted by the Court of Sh. Harpreet Singh, the then learned Rent Controller, Batala, the decision of which has been upheld till Hon'ble High Court, which has been admitted by the complainant in his evidence. Moreover, the Court of competent jurisdiction has already given its finding that rent note was validly executed between the accused and his tenant. Even in the case before the learned Rent Controller, complainant did not examine an expert the learned Rent Controller, complainant did not examine an expert to disprove his signatures on rent note, especially when he had raised an objection of fabrication of rent deed in his reply. Moreover, on the basis of said rent agreement, the complainant had deposited the arrears of rent in the Court.”

In view of above, the instant petition being meritless is dismissed.

A copy of this order be sent to learned Judicial Magistrate Ist Class, Batala, for information and necessary action.

March 19, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No