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

CRM-M-34446-2018

Date of Decision: 28.11.2019

Saroj Bala

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Agam Kumar, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner Saroj Bala has preferred this petition under Section 482 Cr.P.C. to challenge the revisional Court order dated 15.05.2018 (Annexure P-6), whereby the trial Court order dated 09.03.2017 (Annexure P-5) refusing to issue process upon a complaint filed by the petitioner/complainant against the respondents, was upheld. The petition arises from a protest petition filed against the cancellation report dated 23.01.2016 filed in a case FIR No.177 dated 30.11.2015, registered under Sections 406/420/467/468/471/120-B IPC at Police Station Saha, District Ambala.

During the course of hearing, it is not disputed by learned counsel for the petitioner that the accused and the petitioner are co-sharers. He submits that the signatures of the petitioner Saroj Bala on her affidavit were forged for transferring the tubewell connection in the name of Raj Rani wife of Subhash Chand (co-sharer). He submit that her application to challenge the transfer of the tubewell connection before the Electricity Department is separately initiated. According to him, there is enough

material on record to prima facie show the commission of offence by the accused and, therefore, the Court below committed a wrong in refusing to issue the process against the accused person.

With the assistance of the learned counsel, I have gone through the order passed by the revisional Court and find no reason to interfere with the same. The revisional Court has taken into account the material on record carefully. The relevant portion of the same be read as under:-

“A careful perusal of the preliminary evidence, cancellation report and other material available on record shows that there was no dishonest intention on the part of the respondents in putting name of the revisionist Saroj Bala in capital letters on the affidavit for transferring the tubewell connection in their name. The name in capital letters has only been put to obtain the signatures of revisionist later on but since she refused to sign the affidavit, therefore, the same was presented before the Electricity Authorities to transfer the tubewell connection in the name of the respondents. Admittedly revisionist and respondents are co-sharer in the land on which tubewell connection was installed and since they purchased the land jointly from its erstwhile owner in whose name tubewell connection was existed, therefore, it was necessary to transfer the tubewell connection from the name of its erstwhile owner to the name of vendors i.e. revisionist and respondents. The basic ingredients of Sections 420, 467, 468 and 471 IPC is the dishonest and fraudulent intention but the same is lacking in the present case, as discussed above. Hence material available on record is not sufficient to summon the respondents for facing trial for commission of

offence under Sections 420, 467, 468 and 471 of IPC. Therefore, the trial Court has rightly dismissed the complaint of the revisionist. There is no illegality or infirmity in the findings of the learned trial Court which requires any interference of this Court.”

Apart from it, the joint affidavit whereupon the signatures of the petitioner were allegedly forged, has been perused. It is evident from it that Raj Rani (co-sharer) signed the said affidavit at two places where the expression deponents was mentioned. However, there are no signatures of Saroj Bala on the affidavit, whose name is shown in the capital letters within bracket “at the bottom of the said page”. Learned counsel for the petitioner is unable to show any other material in support of his arguments.

In view of above, no case is made out for interference.

The petition is dismissed.

28.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No