

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

203/2

CRR-2465-2008 (O&M)

DATE OF DECISION: 19.07.2019

GIANI RAM

... Petitioner(s)

Versus

KAMLESH AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner/complainant has challenged the order of the appellate Court dated 14.08.2008, whereby the revision petition preferred by the private respondents against the order of the trial Court dated 04.09.2006 summoning them to face trial, was accepted and the order of the trial Court was set aside.

Learned counsel for the complainant/petitioner contends that on the basis of the preliminary evidence led by the petitioner/complainant, a, *prima facie*, case for summoning the private respondents to face trial under Sections 406 & 420 read with 34 IPC was made out.

Heard.

The complainant/petitioner is the brother of respondent No.1- Kamlesh, while respondent No.2 is the husband of Kamlesh. It is a case of the petitioner/complainant that he entered into an agreement to purchase land belonging to the respondents for a sum of Rs.4,67,000/- in the year 2005. He had paid the entire amount to the respondents but they had refused to execute the sale deed and had demanded a higher price than that agreed upon between the

parties. The appellate Court has opined that the allegations in the evidence lead by the complainant do not constitute a, *prima facie*, offence under Sections 420 & 406 read with 34 IPC warranting the summoning of the respondents to face trial. The appellate Court has opined that the dispute is primarily civil in nature and in the event of the respondents not executing the sale deed it was open to the petitioner to seek recourse to civil remedy in this regard.

I am of the considered view that the order of the trial Court does not indicate any manifest illegality which would warrant interference while exercising the revisional jurisdiction. The allegations and the evidence which has been lead by the petitioner points to the civil dispute between the parties. There does not seem to be any element of cheating or misrepresentation of facts or deception. The petitioner is the brother and brother-in-law of respondents No.1 and 2 and was apparently fully aware of the circumstances while entering into the agreement to sell with them. It is not the case of the petitioner/complainant that the respondents had deceived the petitioner in a manner that they were not the owners of the land or they have sold it to the third party in this regard.

Consequently, I do not find any merit in this petition, which stands dismissed.

19.07.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No