

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45885-2019

Date of Decision: 29.10.2019

Suresh Garg

.. Petitioner

Vs.

Giaso Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Deepshikha Chauhan, Advocate for the petitioner.

...

Manoj Bajaj, J.

Petitioner Suresh Garg has filed this petition under Section 482 Cr.P.C. for setting aside the order dated 26.07.2019 passed by the Id. Addl. Sessions Judge, Faridabad in criminal revision upholding the judgment and order dated 13.06.2017 passed by Id. JMIC, Faridabad in Criminal Complaint No.158-2015 dated 16.07.2015 titled as Suresh Garg Vs. Giaso Devi and Ors, wherein the complaint made by the petitioner before the Id. JMIC, Faridabad for offences under Sections 153-A, 447, 448, 457, 295-A and 120-B of the IPC was dismissed.

Learned counsel for the petitioner has argued that the Courts below have committed a serious error of law in dismissing the complaint under Section 203 Cr.P.C., as there was sufficient material before the Courts to issue process against the accused persons. During the course of hearing, it is not disputed that the complainant was not present at the place of occurrence, when the alleged crime was committed. It is also not disputed that a civil litigation between the complainant (tenant) and accused (landlady), is pending before the Civil Court.

A perusal of the order dated 26.07.2019 passed by the revisional Court clearly reveals that it has carefully examined the evidence on record while affirming the order passed by the Magistrate on 13.06.2017. It is categorically observed by the revisional Court that there is no evidence of breaking the locks and entering the premises of the tenants as alleged. It is clear that the view adopted by the Courts below is a possible view based on proper appreciation of the material, which does not warrant any interference from this Court.

The petition is dismissed.

29.10.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No