

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

CRM-M-30638-2019

Date of decision-11.02.2020

Dilbag Singh

...Petitioner

Vs.

Harjit Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S.Dadwal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Cr.P.C to challenge the revisional Court order dated 12.04.2019 (Annexure P-3), whereby the order dated 01.06.2017 (Annexure P-2) passed by the trial Court refusing to issue process in a complaint case No.401/2014 dated 04.09.2014, filed by the petitioner, titled as “Dilbag Singh Vs. Harjit Singh” under Sections 419, 420, 465, 467 and 468 Indian Penal Code, 1860, was upheld.

Learned counsel for the petitioner contends that sufficient evidence was brought before the Court to establish *prima facie* commission of offence punishable under Sections 419, 420, 465, 467 and 468 IPC. He submits that the land sold by the petitioner through sale deed dated 15.02.1993 in favour of Harbans Singh was attested by Harjit Singh and the said instrument was a result of impersonation.

During the course of hearing, it is not disputed by learned counsel that sale deed executed by the mother of the petitioner was never

challenged by her during her life time who died on 23.06.1998 and the complaint was instituted in September, 2014 i.e. after about two decades.

A perusal of the impugned order passed by the trial Court reveals that the entire material on record has been taken into consideration while dismissing the complaint of the petitioner. The Revisional Court further examined the entire material carefully and found no illegality and impropriety in the order passed by the trial Court and proceeded to uphold the same. The relevant observation of the Revisional Court's order reads as under:-

“This sale deed is Ex.C1 on the file which was executed by the mother of the complainant namely Ishar Kaur in favour of his other brothers. Under the signatures of Harjit Singh he has put his stamp as Sarpanch Gram Panchayat Patti Kahanpur, Abadi Kahanpur, District Jalandhar. The counsel for the respondent has placed on file certain documents which clearly shows that office of BDPO Block Adampur had issued identity card to respondent Harjit Singh as Sarpanch of Village Kahanpur. Similarly in the voter list of the year 2013 it is shown as Patti Kahanpur. Complainant had himself filed a suit for mandatory injunction whereby respondent is shown as resident of village Raipur Rasulpur. In a suit filed by Gurmail Singh, Harjit Singh is depicted as Sarpanch of village Patti Kahanpur. Even in the sale deed Harjit Singh had attested the sale deed as Sarpanch of village Kahanpur only. When he is Sarpanch of village Kahanpur, then it was not needed for him to depict as Sarpach of village Raipur Rasulpur. No case of impersonation is made out

in the present case. It is neither pleaded nor proved on the file that some other person is Sarpanch of village Kahanpur. Lower Court has rightly held that no such list of Sarpanches of the relevant period had been proved to show that no such Sarpanch with the said name or some other different Sarpanch with the said name has existed. The lower court has rightly held that complainant has failed to prove on record that what type of cheating has been committed by the complainant.”

Perusal of the above reveals that the Revisional Court after considering the relevant material on record has passed a reasoned order and the same does not warrant any interference.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

11.02.2020

vanita

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