

110

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.140 of 2021 (O&M)

Date of decision: 20.07.2021

Balraj Singh

....Petitioner

Versus

Deputy Commissioner, Sonapat and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Shreya Vasishtha, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this revision petition is for setting-aside the order dated 04.03.2020 passed by the Sub-Divisional Judicial Magistrate, Kharkhoda, whereby the complaint filed by the petitioner was dismissed.

Brief facts of the case are that the petitioner – Balraj singh has filed a criminal complaint against the Deputy Commissioner, Sonapat, Cheif Secretary to Government of Haryana, Shweta Suhag, the then, Sub-Divisional Judicial Magistrate, Kharkhoda, Sonapat and Umed Singh, Halka Girdawar, Sisana and under the headnote, it is stated that action be taken as per the offences committed by the accused under the relevant Sections.

On merits, the petitioner claim that he is a social worker and had filed a Case No.4/SDM Kharkhoda, under section 7/2 of the Punjab Village Common Land Act (hereinafter to be referred to as the 'PVCL Act'), under the interest of the social welfare. The said case was

CASE HEARD THROUGH VIDEO CONFERENCING

dismissed by the Sub-Divisional Judicial Magistrate, Kharkhoda without following the proper procedure. It is further stated that in this regard, the petitioner has given complaints against the Sub-Divisional Judicial Magistrate, Kharkhoda to Chief Minister's Window, Deputy Commissioner, Sonapat. It is also stated that the aforesaid petition under Section 7 of the PVCL Act was filed with regard to Plot No.208-A with the allegations that the same is in illegal possession of some persons. In the prayer clause, it is stated that the Sub-Divisional Judicial Magistrate, Kharkhoda, as well as the Halka Girdawar were hand in gloves and by misusing their powers and committing fraud with the society, has dismissed the petition filed under Section 7/2 of the PVCL Act.

The complaint was taken up by the Sub-Divisional Judicial Magistrate, Kharkhoda and vide order dated 04.03.2020, the same was dismissed observing that since the complaint do not disclose any cognizable offence for which the same can be referred to the police under Section 156(3) Cr.P.C., for investigation, the complaint stands dismissed.

On 17.02.2021, counsel for the petitioner has sought time to apprise the Court as to what offence is committed by the respondents (shown as accused in the complaint).

Even today, on a Court query, whether any appeal has been filed by the petitioner against the order of the Sub-Divisional Judicial Magistrate, Kharkhoda, dismissing the petition under Section 7/2 of the PVCL Act, no satisfactory report could be given as that was the remedy of appeal under the PVCL Act.

CASE HEARD THROUGH VIDEO CONFERENCING

After going through the contents of the complaint as well as the petition, it appears that the same has been filed in a manner as the trial Court is to decide whether there is any unauthorized possession on panchayat land bearing No.208-A and further to conduct an enquiry regarding the role of the Sub-Divisional Judicial Magistrate, Kharkhoda and the Deputy Commissioner, Sonapat, and all these things are outside the purview of the trial Court while dealing with the criminal complaint under Section 156(3) Cr.P.C., as the basic requirement is that if a cognizable offence is made out from the bare perusal of the complaint, the Court will send it to the police for investigation and taking proper action.

Accordingly, finding no illegality or irregularity in the order dated 04.03.2020, this revision petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

20.07.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No