

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

**CRM-M-22252-2016
Date of decision : 16.09.2022**

Balbir Singh

..... Petitioner

versus

Baljit Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pawan Kumar, Senior Advocate with
Mr. Surya Kumar, Advocate and
Mr. Ravinder Chaudhary, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

This petition has been filed invoking provision of Section 482 Cr.P.C. against order dated 06.05.2013 passed by JMIC, Malerkotla (Annexure P-1), whereby the complaint filed by the petitioner against the respondents under Section 499/500 of the IPC has been dismissed at the stage of summoning.

2. Revision filed against the same also stands dismissed vide order dated 29.04.2016 (Annexure P-3) which has also been impugned in the present petition.

3. During the course of arguments, it has come on record that Daler Singh, brother of the petitioner also filed complaint against the respondents on the same cause of action which finally culminated in the judgment of acquittal dated 14.03.2011. Against the said judgment Daler Singh sought leave to appeal under Section 378(4) of Cr.P.C. which stands dismissed vide order dated 11.07.2016, wherein it has been held that:-

“From the record, first of all, I find that Baljit Singh was admittedly a Forest Guard at Forest Range Doraha, District Ludhiana and he got registered an FIR against the present applicant regarding cutting of kikkar tree from the forest land. From the evidence, it is clear that proceedings in that FIR were quashed by this Court. The complainant's case is that kikkar tree was in the khasra number owned by him.

As the FIR was got registered by Baljit Singh in performance of his official duties, therefore, previous sanction under Section 197 Cr.P.C. was required in this case and learned Magistrate has discussed this legal position by citing the law. Therefore, no complaint lies against Baljit Singh, who is a Public Servant, without sanction under Section 197 Cr.P.C. Qua Surinder Singh accused, there is no cogent evidence on record. The FIR was got registered by Baljit Singh. Statement of Surinder Singh respondent was recorded under Section 161 Cr.P.C. during investigation. There is no cogent evidence on record to show the publication of that statement under Section 161 Cr.P.C. to the general public for defaming the complainant. As already discussed, the news in the Newspaper was only regarding the FIR registered against the complainant and that report in the Newspaper was also not proved as per law by brining journalist etc. Otherwise also, no enmity or motive of such a nature has been proved from which it can be held that the FIR in question was got registered with malafide intention. Even if, on demarcation, the kikkar tree was found in the land of the complainant, even then, in no way, it can be held that FIR was got registered for defaming the complainant.

In view of the above discussion, I find that the judgment passed by the Court below is correct and as per evidence and law. In no way, the findings can be held as perverse i.e. against the evidence and law. Nothing has been pointed out as to which material evidence has been misread or which material evidence has not been considered by the Court below.

In view of the above discussion, I find that the findings have been given by learned JMIC, Malerkotla, while appreciating the evidence in right perspective. The impugned judgment dated 14.03.2011 passed by learned JMIC, Malerkotla, is correct, as per law and evidence and does not require any interference from this Court.”

2. Learned senior counsel is not in a position to dispute the said fact.
3. In view of the aforesaid circumstances, nothing survives in the present petition and consequently, the same is dismissed.

(PANKAJ JAIN)
JUDGE

16.09.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No