

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233

CRM-M-28949-2019

Date of Decision: 16.11.2022

Urmila Devi

..... Petitioner

Versus

Nepal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Nikhil Vats, Advocate for
Mr. Dinesh Arora, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of order dated 11.08.2016 whereby learned Judicial Magistrate Ist Class, Faridabad dismissed the complaint of the petitioner filed under Sections 420 and 506 IPC and order dated 17.12.2018 passed by learned Additional Sessions Judge, Faridabad whereby revision petition filed by petitioner has been dismissed.

The brief facts emerging from record are that the petitioner moved an application before SHO, Police Station, Sector 31, Faridabad alleging that the marriage of her son was solemnised on 10.12.2010 and 15/20 days prior to this marriage, sons of her *jeth* took away Rs.40,000/- as well as motorcycle bearing No. HR-51-P-9946 on the pretext that they would distribute cards to relatives and further prepare photo album with CD. The marriage was solemnised, however, the respondents namely Nepal and Satish both sons of Hari Singh neither returned afore-stated motorcycle nor

delivered photo album with CD.

Learned counsel for the petitioner submits that the police did not act upon afore-stated complaint of the petitioner, thus, petitioner filed complaint before jurisdictional Magistrate under Sections 420 and 506 of IPC against the private respondents. Learned JMIC, vide order dated 11.08.2016 after noticing contents of application filed before police and averments made by petitioner before Court came to a conclusion that no offence is made out and petitioner is unreasonably trying to set criminal law into motion. The trial Court found that there is no inducement on the part of accused, thus, no offence is made out under Sections 420 and 506 IPC against the accused.

The petitioner feeling aggrieved from order of learned JMIC preferred a revision petition before Sessions Court which came up for consideration before learned Additional Sessions Judge, Faridabad who vide order dated 17.12.2018 has dismissed the revision and upheld the order passed by learned JMIC. ASJ, Faridabad has noticed that power of revision has to be exercised only in an exception case where there is glaring defect in the procedure or there is an error on the point of law which has resulted in flagrant miscarriage of justice.

Learned counsel for the petitioner submits that both the Courts below have miserably failed to appreciate the averments of the petitioner. The offence of cheating punishable under Section 420 and 506 IPC is made out and still both the afore-stated Courts have dismissed the complaint of the petitioner.

After having scrutinized the record and having heard arguments of learned counsel for the petitioner, this Court does not find any infirmity in the order passed by learned JMIC, Faridabad as well as ASJ,

Faridabad. The petitioner is making allegations against sons of her jeth (real brother of her husband). There is no evidence on record disclosing commission of offence of cheating. The ingredients of Section 415 read with 420 and 506 are not complied with. The criminal law cannot be put into motion just on the asking of one or another person. It directly affects the life and liberty of a person. The husband of the petitioner is an employee of Hayana Police Department, thus, it is hard to believe that police did not act upon the complaint of the petitioner. The petition is misconceived and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

16.11.2022
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>