

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-357-2021

Date of Decision: 18.11.2022

Vineet Kapila

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Kumar Khushalani, Advocate for
Mr. MS Dhot, Advocate for the petitioner

Mr. Parveen Kumar Aggarwal, DAG Haryana

Sandeep Moudgil, J. (Oral)

(1) This criminal revision petition is directed against the order dated 25.02.2020 passed by learned JMIC Gurugram vide which petitioner-complainant's request for sending the complaint No.COMI-506-2019 under Section 156(3) CrPC to the concerned SHO, has been declined.

(2) Learned counsel for the petitioner-complainant submits that respondents No.2&3 have committed a fraud while obtaining licence from the office of DTCP under the name and title of "M/s Global Estate" whereas the sale deed executed, which is on record as Annexure P2, has been signed on behalf of Global Estate Private – a company incorporated and registered under the Companies Act, 1956, which is non-existent.

(3) A perusal of the impugned order shows that the court below has not gone into the examination of these documents, while determining as to whether, cognizance was to be taken on the complaint under Section 156(3) CrPC, and as such, the order dated 25.02.2020, is totally cryptic and non-speaking. In fact, no reason whatsoever, has also been given in the said

order, while dismissing the said complaint. It is the case of the petitioner, that he has relied upon the information, provided under the RTI by the office of DTCP, Chandigarh, vide memo dated 18.06.2019, along with the sale deed.

(4) In view of the above-said facts and circumstances, this revision petition is allowed, and the case is remanded back, to the trial court, with a direction, to take a fresh decision, after examining the documents/material, on record.s

(5) Ordered accordingly.

18.11.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No