

CRM-M-31428 of 2022

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

CRM-M-31428 of 2022  
Date of Decision: 30.09.2022

Om Praksh Asija

.... Petitioner

Versus

Thakur Hari Prasad Institute of Research and Rehabilitation for Mentally  
Handicapped Vivekanandnagar and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. B.K. Saini, Advocate, for the petitioner.

**ASHOK KUMAR VERMA, J. (ORAL)**

Through this petition under Section 482 Cr.P.C. prayer has been made for setting aside/quashing order dated 02.12.2021 (Annexure P-2) passed by the Sessions Judge, Panchkula, whereby revision filed by the petitioner against the order dated 07.03.2019 passed by the Judicial Magistrate First Class, Panchkula in complaint case titled “Om Prakash Asija v. Thakur Hari Prasad Institute and others”, whereby respondents were discharged, has been dismissed.

Brief facts of the case for disposal of the present petition are that on 23.08.2001 respondents had entered into a memorandum of understanding with the petitioner-complainant whereby the mentally regarded son of the petitioner, namely Master Samir Asija was to be looked after by the respondent-institute even after the death of petitioner and his wife. Petitioner paid an amount of ₹10,00,000/- to the respondents in accordance with the memorandum of understanding and

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the respondent-institute had taken over the permanent custody, care and rehabilitation etc. of Samir Asija and he was admitted in the institute from 16.06.2000. It is further submitted by the petitioner that on 05.03.2007 officials of the respondents dropped the son of the petitioner at the residence of the petitioner i.e. H. No.B-32, GH-80, Sector 20, Panchkula in violation and breach of the memorandum of understanding. On demand by the petitioner, respondents refused to return ₹10 lacs to him. Petitioner also filed a complaint with the Deputy Commissioner of Police, Panchkula, wherein he joined the investigation/enquiry and got recorded his statement on 17.09.2013. However, as no action was taken by the police, petitioner filed complaint under Sections 406, 420 read with Section 120-B IPC wherein on the basis of preliminary evidence, accused were summoned for commission of offence punishable under Sections 406 and 420 IPC vide order dated 12.03.2015. Trial Court after hearing the learned counsel for the parties and going through the evidence on record, discharged the respondents-accused vide order dated 07.03.2019.

Aggrieved against the order of the trial Court, petitioner preferred revision before the Sessions Judge, Panchkula, which has been dismissed vide order dated 02.12.2021.

I have heard learned counsel for the petitioner and perused the paperbook.

There is concurrent finding recorded by both the Courts below that entire emphasis of the petitioner-complainant is on the breach

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of the terms and conditions of memorandum of understanding on the part of the respondents-accused, therefore, it is a civil dispute, which has been given the colour of criminal dispute.

Hence, this Court would not incline to exercise extraordinary jurisdiction conferred under Section 482 of the Code of Criminal Procedure. Therefore, the present petition is devoid of any merits and the same is accordingly dismissed.

**September 30, 2022**  
R.S.

**(ASHOK KUMAR VERMA)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |