

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

CRM-M-47254-2019

Date of decision: 10.11.2022

Malkiat Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 03.11.2017 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Jalandhar in Criminal Complaint No.COMI-32000/2013, titled as 'Malkiat Singh Vs. Avtar Singh and others', vide which complaint/protest petition filed by the petitioner has been dismissed and the private respondents have been discharged from the accusations, and to the order dated 06.03.2019 (Annexure P-5) passed by learned Addl. Sessions Judge, Jalandhar, vide which criminal revision filed by the petitioner against the order dated 03.11.2017, has been dismissed.

It is the case of the petitioner that the petitioner got registered FIR No.88 dated 03.08.2011, under Sections 447 and 427 IPC, Police Station Kartarpur, with the averments that the private respondents had ploughed his maize crop and also cut the tress planted in his field.

However after conducting investigation, the police submitted the cancellation report. The petitioner did not agree with the cancellation report and filed the protest petition.

Learned trial Court after appreciating the preliminary evidence led by the petitioner, summoned the private respondents under Sections 447 and 427 IPC read with Section 149 IPC, vide order dated 15.10.2016.

However, the trial Court did not find any ground to frame charges against the private respondents and accordingly vide impugned order dated 03.11.2017, the protest petition/complaint had been dismissed.

Aggrieved thereagainst, the petitioner had unsuccessfully filed the revision petition before learned Sessions Judge.

This Court has gone through the case file.

Both the Courts below have categorically held that no reliance could be placed upon the evidence led by the petitioner. Admittedly, the petitioner was not an eye-witness to the occurrence. The petitioner had not disclosed the khasra numbers of the land from which maize crop had allegedly been ploughed by the private respondents. Moreover, CW 2 Nirmal Singh and CW 3 Chanchal Singh are interested witnesses. Furthermore, the petitioner did not lead any evidence to prove that the field where the alleged occurrence had taken place, belonged to him.

It is pertinent to mention here that framing of charge(s) against the accused in a criminal case is a serious matter. The criminal law cannot be set into motion as a matter of course. In the considered opinion of this Court, both the courts below have rightly passed the impugned orders after appreciating the evidence and material available on the file.

In view of the above, this Court does not find any merit in the present petition.

Dismissed.

10.11.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No