

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

CRM-M-41454-2019 (O&M)

Date of decision: 14.11.2022

Raksha Rani

...Petitioner

Versus

Shri Sanatan Dharam Sabha

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. B. S. Randhawa, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Advocate and
Mr. Varun Mittal, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 04.02.2019, passed by the trial Court, vide which the complaint, filed by the petitioner under Section 156(3) Cr.P.C. was dismissed.

Brief facts of the case are that the petitioner has filed a complaint under Section 156(3) Cr.P.C. before the trial Court with the allegations that her husband Gursharan Singh had died on 14.06.2011 and he had taken a shop from respondent-Sabha and was regularly paying the monthly rent. Later on, the petitioner started the business in the rented accommodation. It is further submitted that on 10.10.2011, the possession of the rented premises was taken forcibly by the office bearers of the respondent-Sabha and thereafter, the petitioner moved application(s) before the various authorities regarding committing of theft, however, no action was taken. Thereafter, the petitioner filed the aforesaid complaint under Section 156(3) Cr.P.C. for initiating the proceedings against the respondent-

Sabha and has appeared as CW-1 and placed on record certain documents, like photographs etc.

The trial Court dismissed the complaint on 04.02.2019 by passing a detailed order, the operative part of which reads as under

“3. I have heard learned counsel for the complainant and have perused the complaint. Perusal of the same shows that complainant has arrayed the accused to Shri Sanatan Dharam Sabha through its President. I consider that Sanatan Dharam Sabha might be juristic person in the eyes of law. In the criminal law no crime can be attributed to juristic person and the Sanatan Dharam Sabha cannot be held criminally liable through its President. Further perusal of the complaint also shows that complainant has nowhere in the complaint alleged any occurrence which is penal under Section 323, 420, 120-B IPC. In para No.3 of the complaint it is mentioned that accused has locked the rented shop and broken the items. But no name of the accused is mentioned. Further perusal of the evidence shows that she has not examined any witness in support of her case. There is no independent witness examined by her. She has also stated that other civil litigation is pending between her and the Sanatan Dharam Sabha. Thus, I consider that a false and baseless complaint has been moved by the complainant without naming of the accused also and the same is also not maintainable in the eyes of law.

4. So in view of the above discussion, I consider that bare statement of complainant without any corroboration of any documentary evidence is not sufficient to summon the accused to face trial for the offences as alleged by the complainant. Hence the present complaint filed by complainant is hereby dismissed u/s 203 Cr.P.C being

devoid of sufficient material on record to summon the accused. File be consigned to the record room after due compliance.”

Learned counsel for the petitioner could not dispute that the complaint was filed only against Shri Sanatan Dharam Sabha through its General Secretary and none of the office bearers of the respondent-Sabha was arrayed as party in their individual capacity.

Learned counsel for the respondent has argued that the trial Court has recorded a prima facie finding that nothing has come on record for issuance of process against the respondent-Sabha and the trial Court has rightly dismissed the complaint.

After hearing learned counsel for the parties and considering the aforesaid facts and circumstances, I find no illegality or infirmity in the impugned order passed by the trial Court.

Accordingly, the present petition is dismissed.

14.11.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No