

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-9384-2023

Date of Decision : 12.04.2023

Laxmi Narain Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Angad Chahal, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of impugned orders dated 04.02.2020 and 23.11.2022 passed by learned Additional Civil Judge (Senior Division), Rohtak and learned Additional Sessions Judge, Rohtak respectively.

Brief facts of the case are that the petitioner and respondent No.2 are real brothers. Their father had partitioned the property situated at village Dattor between the petitioner, respondent No.2 and Krishan Chander on 25.11.1981. After the partition, respondent No.2 and Krishan Chander occupied their respective portions. After sometime, respondent No.2 started pressurizing the petitioner for transferring the ownership rights of the entire property to him as he had another house adjoining the house in question which was constructed by him after separation from the family. When the petitioner refused to do so a dispute took place between him and respondent No.2. Respondent No.2

had committed theft of belongings and other household articles of the petitioner. On 23.03.2013 respondent No.2 in connivance with respondent No.3 damaged the property of the petitioner by demolishing the roof of the property in question. The petitioner has filed the complaint which was dismissed by learned Addl. Civil Judge (Senior Division), Rohtak vide impugned order dated 04.02.2020. Against the said order, the petitioner has filed the revision petition which was also dismissed by learned Additional Sessions Judge vide impugned order dated 23.11.2022.

Aggrieved against the impugned orders dated 04.02.2020 and 23.11.2022, the petitioner has filed the present petition.

Learned counsel for the petitioner submits that the evidence led by the petitioner as well as report submitted under Section 202 of the Cr.P.C. are sufficient to charge the respondents No.2 and 3 for the offence under Sections 380, 427, 452, 506 and 34 of the IPC. Report submitted under Section 202 of the Cr.P.C. clearly speaks about the probability of theft committed by breaking of the wall adjoining the house of respondent No.1. Learned trial Court and learned revisional Court have committed error in not considering the said report and wrongly discharged the respondents. Therefore, the impugned orders may be set aside.

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of file shows that learned Additional Sessions Judge, Rohtak, while dismissing the revision petition filed by the petitioner, had passed a detailed and well reasoned order dated 23.11.2022 and I do not find any fault in the impugned orders dated 04.02.2020 and 23.11.2022 passed by learned Additional Civil Judge (Senior Division), Rohtak and learned Additional Sessions Judge, Rohtak, respectively.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

12.04.2023	(ASHOK KUMAR VERMA)	
Kothiwal	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No