

CRM-M-9111-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121)

CRM-M-9111-2020

DATE OF DECISION:- 11.12.2023

MOHAN SINGH

...PETITIONER

VERSUS

SUMITRA DEVI AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Himanshu Munjal, Advocate for
Mr. Prashant Singh Chauhan, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of instant petition filed under Section 482, Cr.P.C., petitioner has approached this Court for setting aside order dated 11.04.2019, Annexure P-2, passed by learned CJM, Nuh vide which complaint, Annexure P-1, has been dismissed. Challenge has also been made to order dated 28.08.2019, Annexure P-4, passed by the learned Sessions Judge, Mewat, whereby revision, preferred by the petitioner, has been rejected.

2. Accused-petitioner has filed a complaint, Annexure P-1, under Sections 420, 467, 468, 471, 506 and 34, IPC against the respondents alleging that he was the owner of 27 kanals 04 marla land situated within the revenue estate of village Sangel, Teshil Nuh, District Mewat. Out of the said land, he sold 14 kanals to accused No.1, but in connivance with accused No.2 and the revenue officials, she added khasra No.415, measuring 19 marlas, in the sale deed bearing vasika No.1103 dated 13.05.2013, even though, the said piece of land had not been sold by the petitioner. Complainant-petitioner, therefore, sought summoning of the accused for the aforesaid offences.

3. Counsel for the petitioner has been heard.
4. Although, the complainant stepped into the witness box and supported the complaint in his testimony recorded on 28.08.2015, Annexure P-6, but both the Courts below have found that his version is not supported from the recital in the sale deed, Exhibit CW-1/A. Courts have found that the sale deed bears the signature of the petitioner, which he has not denied. Khasra No.415 has been specifically mentioned. Undisputedly, sale deed was executed on 13.05.2013, whereas the complaint, Annexure P-1, has been instituted in July, 2015, i.e., more than two years after the alleged sale of property. No explanation has been given by the complainant-petitioner for the delay in the filing of the complaint. It appears that after the complainant came to know that the land was further sold by accused-respondent No.1 by a subsequent sale deed, probably at a higher price, that the complainant-petitioner invoked Section 156(3), Cr.P.C. by filing complaint, Annexure P-1. Record further shows that the complaint is not supported with an affidavit of the complainant, which is a pre-requisite as has been held by Hon'ble Supreme Court in *Babu Venkatesh and others State of Karnataka and another 2022 (2) RCR (Criminal)187*. Complaint seems to have been instituted with the intention of harassing the respondents, which cannot be permitted.
5. There is no illegality or perversity in the orders passed by the Courts below.
6. Finding no merit in the petition, it is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

11.12.2023
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No