

CRR-437-2021

Reserved on: 02.02.2023

Pronounced on: 27.04.2023

Shri Chand

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Petitioner-in-person.

 Mr. Manish Bansal, DAG, Haryana.

 Ms. Isha Goyal, Legal Aid counsel
 For respondents No.2 to 4.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
29	2019	Rewari Sadar	447, 506 IPC

Aggrieved by the dismissal of the protest petition upholding the cancellation of FIR, the petitioner has come up before this court.

2. On 4th February 2019, the petitioner complained to the police station in Rewari, Haryana, informing them about the offence. He stated that he is a 1/3rd shareholder along with his brothers in the land in question, based on a false documents and private respondents got electricity meter connection installed in their fields. On his complaint, offence was found to have been committed, and he was found to be the owner as per his ration card. On 21/05/2013, they beat him, and subsequently, on 05/05/2013, they tried to take his son's life by beating him. Wherever they find the petitioner alone, they would threaten him to do away with his life. Despite the judgment passed by this Court, they had illegally installed electricity connections. The petitioner wanted the prosecution of the accused on the allegations of threatening him and his son for life and illegally possessing his land.
3. During the investigation, the police did not find the allegations credible and filed a closure report. The petitioner challenged the said report by filing the protest petition. By the impugned order dated 02/02/2021, the Judicial Magistrate 1st Class dismissed the protest

petition.

4. Challenging the said order of dismissing the protest petition, the petitioners came up before this court. The petitioner claims that he is aged 82 years and has retired as an officer from the Delhi police. The accused, Ram Kumar, Raubat Ram, Hukam Chand, and Ram Kishan, are his nephew's children of his late brother Sh. Ram Jeewan. Despite the partition and order of the district court, which this court upheld, they have entered into illegal possession over the petitioner's property and installed an illegal electricity meter connection number KB 51/41. On 21st May 2013, they tied the petitioner and gave him beatings. After that, on 5th May 2018, they attempted to kill his son with iron rods. In the investigation, the police, instead of launching prosecution, filed the cancellation report because the petitioner could not bring evidence about beatings to him, his son and qua illegal/forcible possession of his land. The petitioner challenged the same by filing the protest petition.

5. I have heard counsel for the parties and gone through the record. Respondents state that vide the order dated 29th August 2022, now the partition proceedings stand complete, and the property has been divided. After the investigation, the police did not find credible evidence to launch prosecution and thus filed a closure report. Once the petitioner, who was the victim, could not bring evidence, then in its absence, the investigator couldn't launch prosecution by filing a report under section 173 of the Code of criminal procedure 1973 (CrPC). The Judicial Magistrate discussed the protest petition in detail, and the order is well-reasoned because the petitioner even failed to produce evidence before the trial Court also. There is no material to interfere in the said order, and even otherwise, the allegations made by the petitioner might be accurate, but the petitioner could not bring any evidence to corroborate the same. Given this, there are no merits in this petition and no case for interference in the impugned order is made out.

Petition dismissed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

27.04.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.