

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

237.

CRM-M No.21255 of 2012 (O&M)

Date of Decision:22.11.2023

Hukam Singh

...Petitioner

Versus

Savitri and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.D. Achint, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 482 Cr.P.C. seeking quashing of the impugned order dated 13.04.2015 passed by the learned Judicial Magistrate 1st Class, Gurgaon whereby the complaint No.903/04 dated 13.04.2005 (Annexure P-1) of the petitioner under Section 420, 467, 468, 471, 120-B IPC was dismissed, with further prayer to quash the impugned order dated 04.08.2009 (Annexure P-2) passed by the learned Additional Sessions Judge, Gurgaon whereby the revision petition preferred against the said order was also dismissed.

2. In brief, the facts are that a complaint was preferred by the petitioner-complainant under Sections 420, 468, 469, 471, 120-B IPC against the respondents setting out a case therein that house No.260/22, Gandhir Nagar, Gurgaon was owned by the wife of the petitioner, adjacent to which is a Plot No.67 in which reliance company's tower was installed along with a power generator. Since the generator installed alongside the tower was creating nuisance and pollution, the petitioner approached the Municipal Authorities to

ascertain whether a No Objection Certificate was obtained or not for installation of the said tower and he came to know that Plot No.67 was purchased by three persons namely Indu, Sushma Bansal and Vinarmata from one Jeet Ram son of Baldu Ram and they executed power of attorney of the said plot in favour of respondent No.1 Savitri Devi, who in turn executed power of attorney in favour of respondent No.3 Niranjan Kumar Sharma. It also came to the knowledge of the petitioner that respondent No.1 had mentioned wrong address in the power of attorney executed by her and she was identified by respondent No.2 Babu Lal and respondent No.4 Sudesh Kumar. Further, respondent No.3 leased out the plot in question to the Reliance Company along with the house of the petitioner and respondent No.5 obtained the electricity connection for the same at the address of the petitioner. Respondents No.6 and 7 were attesting witnesses in obtaining the said electricity connection. The petitioner reported the matter to the police and FIR No.757 dated 17.11.2003 was registered, however, a cancellation report was filed. It is in this backdrop, the complaint in question was filed. In preliminary evidence, the petitioner appeared as PW1. After appreciating the evidence brought on record by the petitioner, the Judicial Magistrate 1st Class, Gurgaon finding no *prima facie* case against the accused persons dismissed the complaint vide order dated 13.04.2005 and the revision petition preferred against the said order was also dismissed by the Additional Sessions Judge, Fast Track Court, Gurgaon vide order dated 04.08.2009.

3. Learned counsel appearing for the petitioner contends that the petitioner brought on record an affidavit of respondent No.5 wherein House No.260/22 was shown to be occupied by respondent No.5 with dishonest intention to grab the property of the petitioner by creating false evidence and therefore, a *prima*

facie case was made out against the accused persons for cheating and forgery. It is further contended that respondent No.3 had fraudulently obtained the electricity connection giving particulars of House No.260/22 by creating false evidence. Therefore, the impugned orders passed by the Courts below are liable to be set aside.

4. I have heard learned counsel for the petitioner and perused the case file with his able assistance.

5. Admittedly, FIR No.757 dated 17.11.2003 was registered in which after investigation, cancellation report was filed and thereafter, the impugned complaint was filed. No documentary evidence was brought on record to prove that the house of the petitioner was also leased out along with plot No.67, much less, any document which purported to give authority to any person to make or transfer any valuable security. No document was executed by the accused persons from the complainant or his wife nor they induced them to part with the property or any part thereof. Therefore, the petitioner miserably failed to make out a *prima facie* case against the respondents in order to summon them in the complaint case.

6. In view of the aforesaid facts and circumstances, the impugned orders dated 13.04.2005 (Annexure P-1) and 04.08.2009 (Annexure P-2) are upheld and the instant petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

November 22, 2023
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No