

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

CRM-M-53186-2018

Date of Decision : 09.08.2023

Satnam Singh

.....Petitioner

Versus

Swarna Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. H.S. Dhindsa, Advocate
for the respondents.

PANKAJ JAIN, J.

Petitioner has invoked jurisdiction of this Court by filing present petition under Section 482 Cr.P.C. seeking quashing of the order dated 31st of August, 2018 passed by Additional Sessions Judge, SBS, Nagar whereby the order passed by the Trial Court dismissing the complaint filed by the petitioner dated 5th of January, 2016 stands affirmed in revision.

2. The petitioner filed a complaint against the respondents-accused alleging that he was a candidate for the post of Headman of village Ladian. Balwant Singh son of Rashpal Singh who was also a candidate persuaded respondent No.1 namely Swarna Singh to file a false application for demarcation of land owned by father of the petitioner. Despite being in legal possession accused No.2 Davinder Pal Patwari in connivance with accused No.1 Swarna Singh with an intent to harvest disqualification of the

petitioner for the post of Lambardar of the village declared him to be an illegal occupant. Thus, harming his reputation.

3. Trial Court after considering the evidence brought on record by the complainant found that the report Exhibit C4 which has been formed basis by the complainant to contradict report Exhibit C8 that indicts the complainant pertains to Khasra No.142 only whereas report Exhibit C8 pertains to Khasra No.142 and Khasra No.143 thus, there was no contradictions between the two reports as being projected. Resultantly, Trial Court dismissed the complaint preferred by the petitioner finding that there was no *prima facie* case made out against the accused.

4. In appeal preferred by the petitioner the order passed by the Trial Court stands affirmed holding as under :

“12 First and foremost question to be seen is whether respondents/accused made any imputation concerning complainant/ revisionist?

Imputation means accusation against a person. In the present case, conducting demarcation by respondents no.1 & 2 on the application moved by respondent no.3 as part of their public function and finding complainant/revisionist in illegal possession of immovable property cannot be said to be imputation. Respondents no.1 & 2 performed their public function. Also there is nothing on record that the respondents no.1 & 2 in connivance with respondent no.3 intended to cause harm to the complainant. Thus, third ingredient i.e. intention to cause harm which is ‘sine qua non’ for an offence under Section 499 IPC is also missing in this case.

Allegation against respondent no.3 are that he moved an application for demarcation in connivance with one Balwant Singh to harm the respondent of complainant. By no stretch of

imagination, it can be said that respondent no.3 by moving an application for demarcation of land has caused harm or intended to cause harm to the reputation of complainant. Application has been moved by respondent no.3 as per law.

Similarly conducting demarcation and submitting report of demarcation by respondents no.1 & 2 does not mean that they intended to cause harm to the reputation of complainant. Merely because 2nd report of demarcation is contradictory with the 1st report of demarcation submitted by respondents no.1 & 2 would not mean that their intention was to cause harm to the reputation of complainant.

Also there is evidence to show that offence under Section 469 IPC is attracted in present case.

13 Cumulative effect of my above discussion is that the revisionist had failed to prove that the respondents had committed offence under Sections 469, 499 and 500 IPC. Hence, I do not find any illegality and infirmity in the impugned order dated 05.01.2016 passed by the then Ld.JMIC, Shaheed Bhagat Singh Nagar. There is no merit in the revision filed by the revisionist and as such the same is hereby dismissed.”

5. I have heard counsel for the parties and have gone through records of the case.

6. Counsel for the petitioner has not been able to point out any legal infirmity in the orders passed by the Courts below. Comparative analysis of report dated 07.5.2013 Ex. C4 and that the report Ex.C8, which is the subject matter of the present complaint leaves no doubt that where report Exhibit C4 pertains to Khasra No.142 only, report Exhibit C8 deals with Khasra No.142 & Khasra No.143. There is no dispute that father of the petitioner being co-owner in Khasra No.142 was rightly found to be in

possession of the same by report Exhibit C4 but the question '*whether the petitioner who was found to be in illegal possession of adjoining land comprising Khasra No.143 owned by Panchayat or not*' is not dealt therein.

7. Report Exhibit C4 is totally silent about the said fact whereas report Exhibit C8 indicts the petitioner. There is no evidence on record to show that the application moved by accused No.1 and the demarcation conducted by accused No.2 are result of intent of the respondents to defame the petitioner. Resultantly, this Court does not find any reason to interfere in the well reasoned orders passed by the Courts below dismissing the complaint preferred by the petitioner.

8. Consequently, the present petition is dismissed.

August 09, 2023

Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No