

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

CRM-A-726 of 2020

Date of decision: 25th July, 2023

Ramanjit Singh

Applicant

Versus

Vimal Dhingra

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Nancy Vashishth, Advocate for the applicant.

AVNEESH JHINGAN, J (Oral):

1. This application under Section 378(4) Cr.P.C. is filed seeking leave to appeal against judgment dated 3.4.2019 dismissing the complaint.

2. The relevant facts are that the applicant on 8.3.2013, entered into an agreement to sell with Vimal Dhingra (respondent) for sale of a plot for consideration of Rs.28,00,000/- and Rs.1,00,000/- was paid as earnest money. The applicant later came to know that there was a civil suit filed by Ratna against the vendor of the respondent and an application under Order 1 Rule X CPC for impleadment as party was filed by the respondent. The grievance was that the respondent cheated the complainant by withholding the relevant fact. While dismissing the complaint, it was considered that Ratna had filed civil suit against Dev Raj and no relief was sought against the respondent. It was further considered that the plot in question was sold to the respondent vide sale deed No. 7339/1 dated 21.1.2008 and possession of the land was delivered on the same day. The respondent took a defence that the application under Order 1 Rule X CPC was filed as a precautionary measure apprehending that the parties in the suit in collusion with each other may not cause harm to the property of the respondent. In reply to the application, Ratna pleaded that the applicant (Ramanjit Singh) had no

concern with the suit property. The Civil Judge dismissed the application holding that no relief was sought against the respondent. The revision against the rejection of the application was dismissed vide order dated 28.2.2011.

3. Learned counsel for the applicant submits that there was report of the Local Commissioner in the civil suit to the effect that there was an encroachment by the respondent (in present petition) on the land of the plaintiff.
4. Heard learned counsel for the applicant and perused the record.
5. The scope of interference by this court in the order of acquittal is limited.
6. It is not disputed that the findings recorded by the Civil Judge while dismissing the application under Order 1 Rule X CPC that no relief was sought in civil suit against the property in dispute in the present complaint attained finality. The court while dismissing the application has concluded that as the respondent had no concern with the property in question in the civil suit and no case is made out under Sections 406 and 420 IPC. There is no legal or factual error in the impugned judgment, much less perversity.
7. No case is made out for grant of leave to appeal.
8. The application is dismissed.

25th July, 2023
mk

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No