

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

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CRM-M-59502-2022

Date of Decision:02.03.2023

Sanjay Agro Industries Ltd.

.....Petitioner

Vs.

Puneet Tuteja

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Namit Gautam, Advocate
for the petitioner.

DEEPAK GUPTA, J.

A complaint under Section 190 Cr.P.C. was filed by the petitioner company to prosecute the respondent under Sections 379, 406, 420 & 506 of the IPC in the Court of Learned Judicial Magistrate First Class, Kalka.

It was alleged by the petitioner that it had let out its roller flour mill along with equipments on rent to the respondent @ ₹50,000/- per annum. However, respondent started stealing valuable equipments worth ₹1 crore from the rented property. Despite request to the respondent the same were not returned. Preliminary evidence was recorded. Court also called report under Section 202 Cr.P.C. After considering the said report and the preliminary evidence, the complaint was dismissed vide order dated 07.10.2015 copy of which is Annexure P-5, after observing that petitioner had failed to show a prima facie case against the respondent, sufficient for proceeding against him. Not satisfied with this order revision was filed by the petitioner, which has been dismissed by Learned Additional Session Judge, Panchkula vide order dated 19.05.2017, copy of which is Annexure P-7.

Against the aforesaid orders this petition has been filed in

December, 2022 i.e. after a gap of more than 5 years and 6 months from the dismissal of the revision petition.

I have considered submissions made by learned counsel for the petitioner and have also perused both the impugned orders.

The only contention raised by learned counsel for the petitioner is that as per report under Section 202 Cr.P.C. (Annexure P-4) respondent had not joined in the enquiry, despite which it was opined by the police that no cognizable offence was made out.

No doubt this is true that Trial Court had taken into consideration the report under Section 202 Cr.P.C. but at the same time other cogent reasons have been given for dismissing the complaint. It was noticed that apparently it was a civil dispute which was sought to be given a criminal colour. It was further found that though it had been alleged that respondent had stolen valuable equipments worth ₹1 Crore but no details regarding the equipment or machinery allegedly stolen by the respondent were given. It was further found that there was no evidence regarding any criminal intimidation on the part of the respondent.

I find the reasons given by both the Courts below in dismissing the complaint to be quite cogent calling for no interference. There is no illegality or material irregularity in the impugned orders. Even otherwise, the order of the Revisional Court has been challenged after more than five years without there being any justification for the long delay.

Consequently, present revision is hereby dismissed.

March 02, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No