



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(263)

CRM-M-26218-2016 (O & M)
Date of Decision:06.05.2024

Ranbir Singh
... Petitioner
Versus
Devinder Singh and anr.
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ankur Malik, Advocate,
for the petitioner(s).

Mr. Amit Kumar, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petitioner under Section 482 Cr.P.C. is for quashing of the order dated 13.05.2016 passed by the Additional Sessions Judge, Fatehgarh Sahib whereby the summoning order dated 13.02.2014 under Section 420 IPC passed by the Judicial Magistrate Ist Class, Amloh has been set aside.

2. The brief facts of the case are that a complaint came to be instituted by the petitioner against his brother and father under Sections 420, 467, 468, 471 and 120-B IPC with the allegations that the accused had fabricated certain documents and thereby had cheated him. A copy of the complaint dated 31.01.2011 is annexed as Annexure P-1 to the present petition.



3. The Court of the Judicial Magistrate Ist Class, Amloh vide its order dated 13.02.2014 dismissed the complaint under Sections 467, 468 and 120-B IPC but summoned the accused for having committed the offence under Section 420 IPC. A copy of the order dated 13.02.2014 is annexed as Annexure P-2 to the present petition.

4. The respondents-accused filed a revision petition against the summoning order dated 13.02.2014 under Section 420 IPC. The said revision petition was allowed and the order summoning the respondents for having committed the offence under Section 420 IPC was set aside vide judgment dated 13.05.2016 passed by the Court of Additional Sessions Judge, Fatehgarh Sahib. A copy of the order dated 13.05.2016 is annexed as Annexure P-3 to the petition.

5. The aforementioned order is under challenge in the present petition.

6. The learned counsel for the petitioner contends that the offence is *prima facie* made out and therefore, not only were the accused-respondents liable to be summoned under Sections 467, 468, 471 and 120-B IPC but for also having committed the offence under Section 420 IPC for which they had already been summoned but the said order had been set aside in revision.

7. The learned counsel for respondent No.2, on the other hand, contends that no fault could be found with the impugned order (Annexure P-3) as absolutely no offence whatsoever is made out from a bare reading of the complaint.



8. I have heard the learned counsel for the parties.

9. A perusal of the order dated 11.07.2019 would reveal that respondent No.1-Devinder Singh has passed away. A perusal of the record would reveal that there is absolutely no document on record to substantiate the allegations of the petitioner-complainant that forgery has taken place. In fact, the complainant himself filed a suit for permanent injunction restraining both the accused from creating any obstruction in the peaceful use of his passage and the said suit was decreed on 13.08.2010. Thus, the controversy which exists between the parties is with regard to a particular chunk of land. This dispute is purely civil in nature. The Civil Court has already returned a finding in favour of the complainant-petitioner. If aggrieved in any manner, the complainant-petitioner is at liberty to avail his civil legal remedies in accordance with law. The instant complaint quite obviously has been filed with a view to pressurize the accused-respondents one of whom has passed away.

10. In view of the above, I find no merit in the present petition and the same stands dismissed.

May 06, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No