

S. No.272

2024:PHHC:064308

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

CRM-M-28497 of 2015

Date of Decision:08.05.2024

Ram Murti

.....Petitioner

Vs.

Ritu Gupta and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Pardeep Kumar, Advocate for respondents
No.1 and 2.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for setting aside the impugned judgment dated 27.05.2013 passed by learned Judicial Magistrate Ist Class, Dera Bassi (Annexure P.2) and also the order dated 04.06.2015 (Annexure P.3) passed by learned Additional District and Sessions Judge, Mohali, whereby complaint of the petitioner so as to prosecute the respondents, was dismissed.

It is revealed that complaint Annexure P.1 was filed by the petitioner so as to prosecute the respondents- accused under Sections 419, 420, 467, 471 and 120B IPC alleging forging of an exchange deed. The preliminary evidence as produced by the complainant- petitioner was taken on record. The Court of learned Judicial Magistrate Ist Class, Dera Bassi did not find any prima-facie case so as to issue the process against the accused and so, dismissed the complaint by way of the impugned order dated 27.05.2013.

The finding of the learned trial Magistrate is given in para No.5 of the impugned order which reads as under:-

“As per the allegations in the complaint, the complainant is alleged to have exchanged the land in which the Pahi in dispute exists with the accused persons. The complainant has failed to produce the said exchange deed. Even though he has alleged that signatures on the exchange deed were procured by way of force, yet, it was incumbent upon him to have produced the said exchange deed. The productions of the exchange deed would have gone to substantiate the claim of the complainant regarding the actual land exchanged by him. Further, the complainant has failed to examine any witness to prove that indeed his signatures on the exchange deed had been received or obtained by way of fraud. Even the date of exchange deed is not mentioned. Thus, material particulars have been withheld by the complainant. The non-disclosure of such material particulars goes against the complainant.”

The order passed by learned Judicial Magistrate Ist Class, Dera Bassi has been endorsed by learned Additional District and Sessions Judge, SAS Nagar, Mohali in the revision filed by the petitioner.

Learned counsel for the petitioner could not point out that in the absence of production of alleged exchange deed and in the absence of examining any of the witnesses, pertaining to that exchange deed, how the ingredients of the offences under Sections 419, 420, 467 or 471 IPC were made out.

This Court does not find any illegality in the impugned order.

Dismissed.

May 08, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No