



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

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CRM-M-22188-2025 (O&M)**Date of decision: 28.04.2025**

Tahir and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Afjal Hussain, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The petitioners have approached this Court seeking quashing of the order dated 07.02.2024 passed by learned Judicial Magistrate, First Class, Ferozepur Jhirka (Annexure P-2), whereby they have been summoned to face trial for offences under Sections 467, 471, 120-B, 506 of the IPC in case CIS No.COMI/167/2017 titled as 'Mohd. Ilyas Vs. Tahir and others'. The petitioners have further challenged the order dated 25.03.2025 (Annexure P-4) passed by learned Additional Sessions Judge, Nuh, whereby their revision petition against the summoning order dated 07.02.2024 (Annexure P-2) has been dismissed.

2. It is the contention of the learned counsel for the petitioners that the petitioners have been falsely implicated in a concocted case by the complainant, who in connivance with the other witnesses, has fabricated allegations against them. It is submitted that there is no documentary evidence to substantiate the allegations made



by the complainant in the complaint annexed as Annexure P-1; that after taking his JCB machine on rent, the petitioners stopped paying the agreed rent and subsequently, by forging documents, transferred the ownership of the JCB into their own names. It has further been contended that there is no credible evidence on record to establish that any document was forged, let alone by the petitioners.

3. I have heard learned counsel for the petitioners and perused the relevant material on record.

4. Upon perusal of the record, including the complaint in question, it emerges that the complainant, while filing the complaint, alleged that the petitioners had not only cheated him but had also committed a fraud by taking his JCB machine on monthly rent and subsequently securing its transfer into their names through forged documentation, allegedly in connivance with official of the Regional Transport Authority. It is further alleged that when confronted, the petitioners extended threats of dire consequences to the complainant and failed to return the JCB.

5. The preliminary evidence brought on record includes the deposition of CW-2, Irshad Ali, a clerk from the RTO office, who produced the relevant official records. The complainant himself testified as CW-1 and examined three other witnesses who were present when the JCB was initially rented out to the petitioners. Additionally, documentary evidence in the form of exhibits P-1 to P-18 was produced during preliminary evidence.

6. CW-2, Irshad Ali, specifically deposed that as per the



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official records of the RTO office, the complainant remained the registered owner of JCB machine bearing registration No.HR-74-5605. No record pertaining to the sale of the said JCB in favour of the petitioners existed in the RTO office. Notably, there was no affidavit, nor form 29 or form 30, indicating transfer of ownership, executed by the complainant in favour of the petitioners. The other witnesses corroborated the version of the complainant, confirming that the JCB had been rented to the petitioners, who had thereafter defaulted in payment and refused to return the machine, issuing threats instead.

7. Significantly, the petitioners have not produced any document demonstrating ownership of the said JCB in their names before the learned Trial Court and the Revisional Court to substantiate their claim.

8. In view of the material available on record, this Court finds no infirmity in the orders passed by the learned Trial Court as well as the Revisional Court summoning the petitioners to face trial in the complaint in question.

9. Accordingly, the instant petition is hereby dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Pending applications, if any, stand disposed of.

28.04.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No