



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

253

CRM-M-46581-2016(O&M)

Date of Decision: 11.09.2025

Mukhtar Singh Harchand

...Petitioner

Versus

Vinod Aggarwal and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. H.S. Dhindsa, Advocate for the petitioner.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure (CrPC for short), for quashing the impugned orders dated 22.09.2015, Annexure P-2 passed by Judicial Magistrate Ist Class, Ludhiana, dismissing the criminal complaint no. COMI-000014-2014, registered on 20.02.2014 and dated 16.03.2016, Annexure P-4, whereby Additional Sessions Judge, Ludhiana has dismissed Criminal Revision No.200 of 13.11.2015

2. Tersely put, the facts are that the complainant, being appointed as authorized dealer/sub franchisee/C&F agent (Class C) by respondent-company, upon launch of a new range of products to be aired on various TV channels, accused Nos.1 and 2 proposed replacing the earlier stock lying with him, for newer one worth Rs.4,73,300/- vide two invoices dated 12.11.2008 through GATI Ltd. Despite various requests, the accused did not respond and later on credited only Rs.1,81,149/- in installments in



the account of complainant and illegally retained an amount of Rs.2,92,151/- without any justification nor his stock was sent back and asked him to stop working and return all the remaining stock, in contravention of terms and conditions of agreement. Accused No.1 also threatened the complainant to implicate in false case if amount or stock is demanded. Hence, the complaint under Sections 406, 418, 420, 427, 468, 471, 506 and 120-B of IPC read with Section 34 of IPC against the respondents was filed.

3. In support of his case, the complainant appeared in the witness-box as CW-I besides examining Parduman and Manoj Kumar Sharma, as CW-2 and 3, respectively, and also led documentary evidence.

4. After scrutinizing the evidence led by the complainant, the trial Court dismissed the complaint vide impugned order dated 22.09.2015. Aggrieved there against, he filed a revision, which was also dismissed by learned Addl. Sessions Judge, Ludhiana, vide impugned order dated 16.03.2016.

5. Hence, the present petition.

6. Learned counsel vehemently argued that the Courts below have wrongly dismissed the complaint without appreciating the evidence on record, which is sufficient to summon the respondents and the same are based on mere conjectures and surmises.

7. It is apposite to refer to the order dated 22.09.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana, the relevant of which is reproduced as under:

“I have carefully perused the case file and have also gone through the preliminary evidence led by the complainant. It is well settled law that at the time of issuing process against the accused it has to be only seen that whether the prime



facie case has been made out. At this stage court is required to only to find out whether there is sufficient evidence to proceed against the accused or not and is not required to go deep into the probative value of the material on record.

From the perusal of the case file and evidence place on record it prima facie appears that the bare reading of the complaint does not attribute any offence u/s 408/418/420/427/468/471/506/120-B/34 IPC. Prima facie, the complainant has failed to establish that accused persons themselves have caused wrongful gain to themselves and wrongful loss to the complainant. Moreover, to establish offence u/s 420 IPC, the complainant has to prima facie show that accused persons have induced him but how the inducement was given by accused persons was not mentioned by complainant in its complaint.

From the perusal of the complaint and the evidence placed on record it appears that the complainant is trying to give the colour of criminal litigation to a civil litigation. The complainant has the remedy to file civil suit with regard to present matter. However, no criminal offence can be made out from the present complaint.

After hearing the Ld.counsel for the complainant and perusing the record on the file, I am of the considered view that there are no sufficient grounds to proceed against the accused persons namely Vinod Aggarwal, P.N. Tarachandani and TVC Networks Ltd. under the present complaint. The present complaint is hereby dismissed...”
(emphasis supplied)

8. Likewise, the operative part of the order dated 16.03.2016 passed by learned Addl. Sessions Judge, Ludhiana, dismissing the revision petition filed by the petitioner, reads thus:

“8. The allegations against accused are that accused instead of replacement of stock with fresh stock, credited only Rs. 01,81,149/-installments in the account of complainant in place of Rs.04,73,300/- thereby, retaining an amount of Rs. 02,92,151/-, thereby retaining amount of Rs. 02,92,151/- without any justification nor the stock of complainant was sent back to complainant. There is no attribution of inducement to the accused. The ingredients of wrongful gain to accused and wrongful loss to the complainant are also missing in complaint as well as preliminary evidence on record. There appears to be business dispute between the parties and liability, if any, of accused appears to be civil in nature. The judgments Surjan Singh Vs Dashan Lal 1991 (2) RCR (Criminal) 63, Ravinder Singh Vs Surinderpal Singh SI-SHO



P.S.Dera Bassi 1983 (2) RCR (CrI.)42, Joginder Singh Vs State of Haryana 1998 (1) RCR (Cri. -54 and Pradipta Kumar Sahani @ Bulu & Another Versus Ignace Majhi 2000 (4) CCC 309, are not applicable inasmuch as order of learned trial Court is speaking one and complaint has been dismissed by giving due reasons. The contents of complaint and evidence led on record by the complainant does not disclose any criminal offence on the face of it. The learned lower Court has rightly held that no sufficient grounds are made out to summon the accused to face trial in any offence.

9. In view of what is discussed above, I do not find any illegality or perversity in the impugned order passed by the learned lower court. The present revision fails and same is dismissed.” (emphasis supplied)

9. Learned counsel for the petitioner has failed to point out any glaring defect in the impugned judgments and the procedure or a patent error committed in ignorance of law, which would have resulted in flagrant miscarriage of justice. Significantly, the revisional Court has duly considered all aspects of the matter and has rightly affirmed the well-founded judgment of the trial Court.

10. The petitioner having already availed of its remedy by filing a criminal revision petition, though unsuccessfully before the Additional Sessions Judge, Ludhiana, this petition would amount to a second revision petition under the guise of petition under Section 482 Cr.P.C., as per Section 397(3) Cr.P.C., is the view of this Court, which finds support from the judgment in the case of **Krishnan vs. Krishnaveni and another**, 1997(4) SCC 241, by Hon’ble the Supreme Court, wherein it was held that in appropriate cases in order to meet the ends of justice or to prevent abuse of the process, the High Court is preserved with inherent power, which should be exercised sparingly so as to avoid needless multiplicity of procedure, unnecessary delay in trial and protraction of proceedings.



11. Hon'ble the Supreme Court had in the case of **Shakuntala Devi and others vs. Chamru Mahto and another**, 2009(2) SCC (Cri) 8, held thus:

"24. It is well settled that the object of the introduction of sub-section (3) in Section 397 was to prevent a second revision so as to avoid frivolous litigation, but, at the same time, the doors to the High Court to a litigant who had lost before the Sessions Judge were not completely closed and in special cases the bar under Section 397(3) could be lifted. In other words, the power of the High Court to entertain a petition under Section 482, was not subject to the prohibition under sub-section (3) of Section 397 of the Code, and was capable of being invoked in appropriate cases. Mr Sanyal's contention that there was a complete bar under Section 397(3) of the Code debarring the High Court from entertaining an application under Section 482 thereof does not, therefore, commend itself to us."

12. There is no special circumstance to persuade this Court to grant relief in the present case, in exercise of the inherent power under Section 482 Cr.P.C and no infirmity or perversity in the judgments of the Courts below has been found, warranting any intervention. As such, the present petition being sans merit, is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

11.09.2025

Deepak Patwal

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