



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

139+303

CRM-M-35100-2021 (O&M)

Reserved on : 07.07.2025

Pronounced on: 23.07.2025

Vijay Kumar Sharma

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Vijay Kumar Sharma, petitioner in-person
(through V.C.).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Vikram Singh, Advocate and
Mr. Harkirat Singh, Advocate
for respondents No.2 to 5.

SANJAY VASHISTH, J.**CRM-7662-2024**

I. This is an application filed u/s 528 of BNSS, 2023, for placing on record the reply to the petition, on behalf of respondents No.2 to 5.

II. Allowed as prayed for. Reply on behalf of respondents No.2 to 5, filed along with application is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

III. CRM stands disposed of.

CRM-M-35100-2021

1. Petitioner – Vijay Kumar Sharma, has filed the instant petition under Section 482 Cr.P.C. (corresponding Section 528 of BNSS, 2023), for quashing/setting aside of the order dated 04.12.2020 (Annexure P-1), passed by learned Additional Sessions Judge, Panipat in CRR-50/2020, titled as,

“Vijay Kumar Sharma v. State of Haryana and others”, whereby, order dated 19.05.2018 (Annexure P-2), passed by learned JMIC, Panipat, in complaint No. 03/2018, dismissing the complaint, filed by the petitioner for summoning and convicting respondents No.2 to 5 (accused) for committing offences under Sections 199, 120, 120A, 120B, 191 to 193, 196, 197, 199, 204, 217, 383 to 385, 409, 425, 463 to 477 and 499 of Indian Penal Code (IPC), was upheld.

2. Said complaint was dismissed vide order dated 19.05.2018 (P-2) by the Court of learned JMIC, Panipat. Thereupon, petitioner assailed the order dated 19.05.2018, by filing a revision petition, i.e., CIS No.CRR-50 of 2020 before the Court of learned Additional Sessions Judge, Panipat, which was also the Revisional Court, dismissed said revision petition by maintaining the order of the learned Magistrate.

This is how the petitioner has attempted third time by filing the instant petition u/s 482 Cr.P.C. (Section 528 of BNSS, 2023), for setting aside/quashing of both the impugned orders dismissing the complaint filed by him.

3. **FACTUAL ALLEGATIONS IN THE COMPLAINT FILED BY THE PETITIONER: -**

- (i) *As per the allegations in the complaint, petitioner alleged that on the basis of registered ‘Will’ No. 57208, dated 23.11.1999, executed by his father, his whole agricultural land along with immovable properties were transferred in the name of the petitioner (complainant) and his brothers. Mutation regarding which was verified and confirmed on 24.11.2010/18.12.2010.*
- (ii) *Said ‘Will’ was never assailed by any of the brothers.*

Subsequently, petitioner and his brothers decided to sell a portion of their agricultural land to their cousins. For the registration of the sale deeds on 09.06.2015, the Document Writer demanded bribe of 1% of the transaction value. However, upon protest, the required sale deeds were registered after depositing the mutation fee on 15.06.2015. Despite repeated demands thereafter, no receipts were issued. When a complaint was filed, no acknowledgment was provided. One Kanungo, namely; Satish Kumar (who is not an accused in this complaint), threatened the complainant by stating that he would face dire consequences because Dhanpati, mother of the complainant, was also one of the owners of the land in question, though her name did not appear in the revenue records. This way, accused persons sought to declare the Will of the complainant as a fake document.

- (iii) Allegation against Krishan Kumar, Kanungo (respondent No.3), is that he demanded illegal gratification for deleting the name of Dhanpati from the revenue record. When the gratification was not paid, the matter was reported to Raj Kumar, Tehsildar (respondent No.2), who assured that the necessary mutation would be effected within 15 days. Thereafter, respondent No.3 allegedly spread rumours in the village that the complainant and his brothers had committed fraud, and that the sale deeds executed on the basis of the alleged fake Will had also been cancelled by the tehsil office. As a result, purchasers Vimla and Darshan lost faith in the*

complainant's family. To reassure the purchasers, the complainant had to undertake to pay them double the amount if the mutation was not effected. Faced with this crisis, the complainant had to sell his property at a price much below the prevailing market value, thereby suffering huge financial losses. Consequently, the complainant and his family suffered trauma, harassment, agony, and loss of reputation, apart from financial detriment. To expose the conduct of these officials, applications under the RTI Act were moved on 20.06.2016 and again on 29.08.2016 to the Tehsildar, Israna, and the matter was also taken up with the Deputy Commissioner, Panipat, the Chief Secretary, and the Governor of Haryana. However, no reply was ever furnished by any of them to the three queries raised in para No.32 of the complaint.

- (iv) *Ultimately, on the complaint of the complainant, the matter was initially investigated by the CJM, Panipat. However, upon the complainant's objection, the Deputy Commissioner, Panipat, appointed the ADC, Panipat, to investigate. The ADC submitted his report to the DC, Panipat, on 08.03.2018, stating that three officers including the then Tehsildar, Israna, did not provide the required records and were not cooperating with the inquiry. Accordingly, ADC recommended for taking appropriate action. However, no action was ever taken by any official, compelling the complainant to file a complaint before the court alleging misconduct.*

This is what the allegations are there in the complaint.

4. Pursuant thereto, an inquiry under Section 202 Cr.P.C. was conducted by the DSP (Headquarters), Panipat, who concluded that the inclusion of the name of Smt. Dhanpati in mutation No.1527 was due to an inadvertent mistake, which came to light only after execution of sale deed Nos.460 and 461. However, the inquiry did not reveal who committed this mistake.

While dealing with the allegations and the one-sided preliminary evidence, learned JMIC observed that no convincing evidence had been brought on record to establish the allegation of demand of bribe. It was alleged that Krishan Kumar, Kanungo, demanded bribe from Sh. Satish, yet the complainant failed to examine Satish to lend credence to this allegation. Similarly, regarding the allegation of demand of 1% of the deal amount at the time of registration of the sale deeds, the complainant did not adduce any cogent or convincing evidence.

Further, while considering the report under Section 202 Cr.P.C., the learned Magistrate noticed that the involvement of the accused persons in the alleged incident did not become clear, since nowhere report indicated the complicity of the accused persons in the insertion of the name of Smt. Dhanpati in the revenue record, despite the existence of the registered Will. As an advisory observation, the learned Magistrate observed that it was always open to the complainant to approach the competent authorities regarding any inaction or dereliction of duty by the private respondents, if any.

Relying upon the judgment of the Hon'ble Supreme Court in M/s Pepsi Foods Limited v. Special Judicial Magistrate, (1994) 4 Recent Criminal Records 761, the learned Magistrate observed that the summoning

of an accused in a complaint case is a serious matter requiring proper judicial application of mind. Consequently, holding that no *prima facie* case was made out to summon the accused persons (respondents No.2 to 5), the complaint was dismissed at the pre-summoning stage.

5. On assailing the said order before the learned Sessions Court in revision, it was categorically observed that no illegality or infirmity was found in the order passed by the learned Magistrate. The Revisional Court also took note of the judgment in **Pepsi Foods Limited case (*supra*)** as well as the other factual aspects, which, though not mandatory for the Revisional Court to revisit in detail, which had already been comprehensively dealt with by the court below.

Moreover, by way of the present petition under Section 482(2) Cr.P.C. (528 of BNSS, 2023), petitioner before this Court seeks for exercising of inherent power, which, in the factual backdrop noticed herebefore, is found to be unwarranted. There being concurrent findings of fact recorded by both the courts below, this Court does not find any ground to cause interference in the orders impugned. Accordingly, the petition is **dismissed**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

July 23, 2025

J.Ram

Whether speaking/reasoned: ☒ Yes/~~No~~

Whether Reportable: ☒ Yes/~~No~~