

2025:PHHC:043429



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

CRM M-55945 of 2024

Date of Decision: 20.03.2025

Krishan @ Krishan Singh

...Petitioner

Versus

Mahipal and others

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Raj Kumar Chauhan, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the impugned order dated 06.12.2017 (Annexure P-1) passed by the Court of Sub-Divisional Judicial Magistrate, Loharu, in criminal complaint bearing No. COMI 10 of 2014 titled as **“Krishan Singh Vs. Mahipal and others”** and the impugned judgment dated 03.01.2024 (Annexure P-5) passed by the Court of Additional Sessions Judge, Bhiwani, whereby, the criminal revision bearing No. 9 of 2018 titled as **“Krishan Singh Vs. Mahipal and others”** filed by the petitioner was ordered to be dismissed and the respondents had been discharged by both the Courts.

2. The petitioner/complainant had filed the complaint in question under Sections 420, 464, 465, 466, 467, 468, 470, 471 read

with Section 34 IPC against the respondents in the Court of Sub-Divisional Judicial Magistrate, Loharu, by alleging that he was a co-sharers in Khewat No. 23 and after consolidation, it was converted into Khewat numbers 39 to 45, situated in the revenue estate of village Damkora, Tehsil Loharu, District Bhiwani. Sheo Baksh grand-father of the petitioner had constructed a well and a room, which was being used jointly. During consolidation process, the respondents in collusion with each other had given the said land and property to respondents No. 1 to 3, even though, it was joint in nature. Respondent No. 1 got the land measuring 05 Kanals 06 Marlas compromised in Khasra Numbers 196 and 197 and they had committed a fraud with the petitioner by forging the documents. Initially, the respondents were summoned to face trial but after recording of pre-charge evidence, the trial Court considered the matter regarding framing of charge and it was held that the dispute between the parties was of civil nature and the petitioner/complainant had failed to prove by leading evidence that the respondents/accused had done some cutting in the revenue record and the respondents were ordered to be discharged. The petitioner challenged the impugned order dated 06.12.2017 (Annexure P-1) before the Court of Sessions Judge, Bhiwani and vide the impugned judgment dated 03.01.2024 (Annexure P-5), the Court of Additional Sessions Judge, Bhiwani, dismissed the revision filed by the petitioner. Challenging the impugned order (Annexure P-1) and the impugned judgment

(Annexure P-5), the petitioner has filed the present revision petition before this court. Learned counsel for the petitioner contends that both the Courts had completely overlooked the fact that the fraud had been played with the petitioner. Even, prior to consolidation, the land comprised in Khewat Numbers 39 to 45 was comprised in Khewat No. 23. Even, the said entry was reflected in the jamabandi for the year 1987-88 and the petitioner was also a co-sharer in the said parcel of the land and a well was also constructed by his grand-father. Further, during the consolidation, all the respondents colluded with each other and the well and *Chaha* were transferred in their share, by playing fraud and in collusion with the revenue officers. Even, the respondents No. 1 to 3 had no exclusive right in the joint land and the revenue record was prepared by way of cutting in various documents. Thus, the impugned orders are liable to be quashed by this court.

3. I have heard learned counsel for the petitioner and perused the record.

4. In the present case, I completely agree with the findings recorded by the Courts in the impugned orders (Annexures P-1 and P-5) that the controversy between the parties is civil in nature and the matter has been appreciated in correct perspective. The land of the petitioner was comprised in Khewat numbers 39 to 45, which was situated within the revenue estate of village Damkora, District Bhiwani and the same was transferred in favour of respondents No. 1

to 3. However, during the consolidation process, this piece of land was allegedly transferred in favour of respondents No. 1 to 3. However, the petitioner completely failed to show that any cutting was made in the record with some malafide intention. Simply because some corrections were made in the record, during the corrections of record, it cannot be construed as forgery. Moreover, the petitioner had failed to lead any evidence to show that the alleged forgery/cutting/handwriting in the consolidation record was made by the respondents in the present case. Moreover, CW2 Mukesh Kumar, Office Kanoongo, who had deposed in preliminary evidence was not produced at the later stage and could not be cross-examined. Even, in the preliminary evidence, he could not depose that the cutting was made by the present respondents. Thus, both the Courts have correctly appreciated the factual controversy involved in the present case and there is nothing to suggest that the findings recorded by both the Courts are illegal or perverse.

5. Finding no merits in the present petition, the same is ordered to be dismissed.

20.03.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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