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CRM-M-53842-2021(O&M)

oIN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123+269) CRM-3444 of 2026 in/and
CRM-M-53842-2021(O&M)
DATE OF DECISION: 16.02.2026

Omkar Dutt SharmaPetitioner

VERSUS

SushilRespondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Vivek Singla, Advocate,
with Ms. Urvashi Singh, Advocate, for the petitioner.
Mr. Narender K. Sharma, Advocate,
Ms. Suman Sharma, Advocate and
Mr. Shashank Sharma, Advocate, for respondent.

SUBHAS MEHLA, J (ORAL)

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Application is for placing on record Annexures P-10 to P-16.

The documents which were not produced before the learned trial Court cannot be taken at this stage; the petitioner has a right to produce them before the learned trial Court at the time of defence evidence and since the same was not exhausted, the said Annexures cannot be allowed to be placed on record, at this stage.

Disposed of in the above terms.

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1. Present petition has been filed under Section 482 Cr.P.C for quashing of complaint bearing No. COMI/39/2019, dated 13.02.2018 and registered on 13.02.2019, titled as *Sushil v. Attar Singh and others*, under Sections 406, 420 and 506 of IPC (Annexure P-1) and summoning order



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dated 13.08.2021 (Annexure P-2), passed by the Court of Ms. Kimmi Singla, JMIC, Sonapat, wherein only petitioner has been summoned in the criminal complaint.

2. Brief facts of the case are that on 13.10.2011, present petitioner / accused no.3 (Onkar Dutt) and dealer namely Narender @ Neeta informed the complainant Sushil that accused no.1 (Attar Singh) is plotting his land, upon which the complainant showed his willingness to purchase plot nos. 15, 16, 17, 18 and 19 total measuring area of 924 Sq. yards situated near Noghad Johar for a total value of Rs. 32,40,000/-. The said money was given to accused nos. 3, 5 and 6 (namely Omkar Dutt / present petitioner, Ram Parsad Kaushi and Pawan Kaushik respectively) in presence of the dealer Narender at the office of accused no.5. Thereafter, accused no.6 made an agreement dated 13.10.2011 and on 13.12.2011, accused no.3/present petitioner got the sale deed registered qua the plots purchased by the complainant, however, at the time of registration, the total land was decreased by 150 Sq. yards and on taking back payment of 150 Sq. yards, a total of 774 Sq. yards land was registered in the name of complainant's mother Smt.Maya Devi. Thereafter, the complainant asked accused no.3/present petitioner, being the Patwari of village Bhigan Area, to make mutation of the sale deeds. However, the said mutation was lingered on by the accused no.3/present petitioner and finally entered and sanctioned on 26.08.2015. To the utter surprise of the complainant, in the said mutation, the accused persons further decreased the land by 109 Sq. yards with malafide intention of cheating and fraud. That in 2016, when the complainant started raising construction on the said plot, the accused



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objected to the said construction and accused nos.1, 3(present petitioner), 4 and 5 threatened to kill him. Further on 19.11.2018, upon perusal of the documents kept by the revenue department Tehsil Ganaur, the complainant came to know that he has been cheated by the accused persons, who in collusion with each other had got partition proceedings conducted of the land in question without making the complainant or his mother party thereto. That the said partition proceedings were planned and executed by accused no.3/present petitioner by taking undue advantage of his post being Halqa Patwari and the possession proceedings were carried out in the office of accused no.3/present petitioner and even no munadi was actually done on the spot with the intention to conceal the said partition proceedings from the complainant. Hence, complaint under Section 156(3) read with Section 200 Cr.P.C for registration of the case under Sections 209, 406, 420, 506, 120-B read with Section 34 IPC, registered at Police Station Murthal, Sonipat, has been filed by the complainant. Learned trial Court after going through the facts and circumstances of the case and documents on record, summoned the present petitioner as an accused to face trial under Section 406, 420 and 506 IPC and aggrieved against the said order, petitioner has filed the present petition.

3. Learned counsel for the petitioner contended that complainant/respondent Sushil is having no connection with subject land and even the petitioner has got no right, title or interest in the said land; that only Maya Devi, mother of complainant is co-owner in the subject land, which has been ordered to be partitioned.



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4. Learned counsel for the petitioner contended that though summoning order has been passed and charges have been framed against the petitioner, but the respondent could have availed the legal remedy of filing a civil suit against the present petitioner if his mutation has not been entered and instead filed a criminal complaint only to harass the petitioner. The respondent has not even challenged the partition proceedings. Hence, prayer for quashing of complaint (Annexure P-1) and summoning order dated 13.08.2021 (Annexure P-2) is made.

5. On the other hand, learned counsel for the respondent opposed the contention of learned counsel for the petitioner by submitting that the petitioner was Patwari in village Bhigan area and the mutation in question has been entered in the revenue record at his behest; dishonest intention of the said proposed accused no.3/petitioner is reflected from the fact that in the partition proceedings qua the land in question, the complainant or his family members were not made a party when petitioner was well aware of the sale deed dated 13.12.2011 registered in favour of the mother of the complainant. The allegations if further supported from the testimony of CW2 Sukhbir Chowkidar, who has deposed that he signed on the munadi proceedings on the instruction of the accused/petitioner without going to the spot. Even CW4-Satnarayan Lamberdar has deposed that in the partition proceedings Ex.CW/B at page no.12 and 13 his signatures were not obtained on the spot but the accused Patwari/petitioner in his Ganaur Office.

6. Learned counsel for respondent further submitted that petitioner has taken undue benefit of interim directions/order in the departmental inquiry proceedings which has also been closed as per closure report dated



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27.06.2022, passed by SDM/Inquiry Officer and also by Deputy Commissioner, Sonipat; the petitioner has also misrepresented before the learned Additional Sessions Judge, Sonipat in case bearing CRR-78-2021 titled Sushil v. Attar Singh etc. and the proceedings in that case were also stopped qua present petitioner along with other accused since 24.02.2022; that the petitioner was working on the post of Kanugo (Girdawar) at the time of summoning order dated 13.08.2021 and managed to stop all inquiry proceedings against him in view of the interim directions/order dated 24.02.2022 in the present petition; that petitioner succeeded to get promotion to the post of Naib Tehsildar in illegal way and succeeded to stop inquiry proceedings against him; that FIR No. 28 dated 27.06.2006 under Sections 7, 8 and 13 of Prevention of Corruption Act registered at Police Station State Vigilance Bureau, Rohtak was also lodged against the petitioner and his one companion namely Ved Parkash; that present petitioner took the stand in this petition that he has not any relation to co-accused Ved Parkash but in the impugned complaint, Ved Parkash co-accused of the petitioner in corruption case has given surety bond in favour of the present petitioner; that petitioner involved in corruption case and has collected properties of crores of rupees in the name of his wife and other family members and the inquiry proceedings are pending before the investigating agency and Government of Haryana; the list of properties verified by District Revenue Officer, Sonipat and sent to Financial Commissioner and Additional Chief Secretary, Government of Haryana but the petitioner due to his political influence and money power is enjoying his post; that petitioner got sanctioned the mutation of a chunk of land in the



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name of his father in connivance with his colleague namely Ashok Patwari on the basis of oral affidavit; that petitioner sought anticipatory bail in the impugned complaint, which was dismissed by learned Additional Sessions Judge, Sonipat; aggrieved against the said order, petitioner filed CRM-M-52283-2021 before this Court for anticipatory bail, which was granted by this Court by imposing condition that petitioner will appear before learned trial Court/summoning Court on each and every date of hearing and this Court specifically mentioned that the witnesses examined by the complainant/respondent in preliminary evidence are yet to be cross examined by the petitioner to cheque their veracity but till date the trial in the complaint is pending and not started due to interim directions/order dated 24.02.2022. Learned counsel further contended that petitioner delayed the sanctioning of the mutation of the present respondent's mother land to cause loss and defrauded the respondent by sanctioning the mutation of his wife's share to the tune of 3 kanals 15 marlas while her share was only 3 kanals 12 marlas; that all the witnesses before the trial Court have deposed against the petitioner. Hence, prayed for dismissal of the present petition.

7. This Court has heard learned counsel for the parties and perused the documents.

8. The only question for determination before this Court is to hear the parties qua the summoning order; whether there is a *prima facie* case to proceed against him or not. After perusal of the case file and the arguments addressed, it is clear that petitioner is the Halqa Patwari of the same village where parties reside; allegedly, petitioner was aware of sale deed dated 13.12.2011 registered in favour of mother of complainant; despite



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complainant’s request to petitioner to make the mutation of sale deeds, he lingered it on and finally sanctioned mutation on 26.08.2015; in the meanwhile, petitioner got partition proceedings conducted without making complainant or his mother party thereto; in respect of share of his wife i.e 3 kanal 12 marlas, he got 3 kanal 15 marlas recorded in partition proceedings. Trial Court is yet to decide the criminality and has only summoned petitioner to face trial.

9. Keeping in view the totality of circumstance of the case, this Court is of the view that *prima facie* a case against the petitioner to proceed against him under Sections 406, 420 and 506 IPC is made out.

10. Finding no merit in the present petition same is hereby dismissed.

11. The observations made in this order are confined solely to the adjudication of the present petition and shall not be construed as an expression of opinion on the merits of the case. The Trial Court shall decide the matter independently, on the basis of the evidence adduced by the parties and in accordance with law.

16.02.2026	(SUBHAS MEHLA)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No