



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

CRM-M No.62723 of 2024
Reserved on: 05.05.2026
Pronounced on: 07.05.2026
Uploaded on: 08.05.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

Rajesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

MANDEEP PANNU, J.

1. This is a petition under Section 482 Cr.P.C. for quashing of the impugned order dated 23.10.2018 passed by learned Judicial Magistrate First Class, Rewari in case bearing No. COMI/2213/2013 titled as '*Rajesh versus Lal Dass and another*', whereby respondents No.2 and 3 were discharged in complaint bearing No. COMI/2213/2013, and also for quashing of the impugned order dated 22.07.2024 passed by learned Additional Sessions Judge, Rewari in CRR No.213 of 2018, whereby the revision petition filed by the petitioner has been dismissed.

2. Briefly stated, the facts of the case are that the petitioner filed a complaint under Sections 409, 467, 471 and 120-B IPC against



respondents No.2 and 3 alleging that respondent No.2, namely Lal Dass, while serving as Sarpanch of Gram Panchayat Zainabad during the period 1995-2000, and respondent No.3 Naresh Kumar, who was appointed as Secretary under the Water Shed Scheme, entered into a criminal conspiracy and embezzled government funds released under the said scheme by preparing false records and forged muster rolls. It was alleged that although plantation work under the Water Shed Scheme was shown to have been carried out in the village and payments were shown to have been made to various persons, in fact several persons whose names appeared in the record had neither worked under the scheme nor received any payment and even their signatures were alleged to have been forged. The complainant further alleged that complaints in this regard were earlier made before the competent authorities and during inquiry, the accused persons were found involved in forgery and embezzlement. It was also alleged that certain persons, including a Government teacher, were falsely shown to have worked under the scheme despite being in regular government service at the relevant time. On the basis of these allegations, the petitioner sought summoning and prosecution of the accused persons for offences punishable under Sections 409, 467, 471 and 120-B IPC. Preliminary evidence was led by the complainant and after considering the same, respondents No.2 and 3 were summoned vide order dated 05.06.2015. Thereafter, the case proceeded for pre-charge evidence wherein the complainant examined Rajbir son of Thawar Singh as PW-1, Om Parkash as PW-2, Satyawar son of Balbir as PW-3, Surat Singh as PW-4, Sandeep Kumar, Record Keeper, D.C. Office, Rewari as PW-5 and Rajesh Kumar as PW-5 (wrongly



mentioned due to double numbering).

3. Learned Judicial Magistrate First Class, Rewari, vide impugned order dated 23.10.2018, discharged respondents No.2 and 3 by observing that during cross-examination and from the material placed on record, it had come on record that accused No.1 Lal Dass remained under suspension during the relevant period from 1997 to 2006 when the Water Shed Scheme was being implemented and that Jai Narayan was functioning as Chairman of the said scheme. Learned trial Court further observed that the complainant had failed to establish the essential ingredients of offences under Sections 409, 467, 471 and 120-B IPC and that the evidence led by the complainant stood rebutted by the accused persons. It was further held that there was no sufficient material on record which could warrant conviction of the accused and, therefore, no case for framing of charge was made out against them. Consequently, respondents No.2 and 3 were discharged from the complaint case.

4. Feeling aggrieved against the order dated 23.10.2018 passed by learned Judicial Magistrate First Class, Rewari, the petitioner preferred a revision petition before the Court of learned Additional Sessions Judge, Rewari. learned Revisional Court, vide order dated 22.07.2024, dismissed the revision petition by holding that learned trial Court had rightly concluded that the complainant failed to prove the essential ingredients of offences under Sections 409, 467, 471 and 120-B IPC and that no case was made out against the accused persons as they had successfully rebutted the evidence led by the complainant and his witnesses. The Revisional Court further observed that from the statements of the witnesses examined in pre-



charge evidence and the overall facts and circumstances of the case, the accused/respondents had rightly been discharged by learned trial Court, even if the evidence produced by the complainant was taken to be un rebutted, as the same was insufficient to warrant their conviction.

5. Learned counsel for the petitioner has contended that learned trial Court as well as learned Revisional Court have gravely erred in discharging respondents No.2 and 3 despite sufficient material being available on record to frame charges against them for offences punishable under Sections 409, 467, 471 and 120-B IPC. It has been argued that during the Water Shed Scheme implemented in Gram Panchayat Zainabad, false entries were allegedly made in the muster rolls for the months of August, 1999 and May, 2000 showing various persons, including the petitioner and other villagers, to have worked under the Scheme and to have received payment, whereas in fact they had neither worked under the Scheme nor received any amount. Learned counsel further submitted that Dharambir Singh, who was shown to have worked under the Scheme for 10 days, was serving as a Teacher in Government Senior Secondary School, Darauli during the relevant period and thus, could not have worked under the said Scheme. It is further contended that forged signatures were allegedly appended on the muster rolls and an amount of Rs.4,752/- was embezzled by respondents No.2 and 3 in connivance with each other while acting as public servants. Learned counsel has further argued that after no action was taken by the authorities on the complaints submitted by the petitioner, the complaint in question was filed and after considering the preliminary evidence, respondents No.2 and 3 were summoned by learned trial Court



vide order dated 05.06.2015. It is submitted that sufficient pre-charge evidence was also led by the complainant, however, learned trial Court illegally discharged the accused persons vide order dated 23.10.2018 without properly appreciating the evidence available on record and learned Revisional Court also failed to appreciate the same while dismissing the revision petition vide order dated 22.07.2024. It has thus been prayed that both the impugned orders passed by the Courts below be set aside.

6. Heard learned counsel for the petitioner and perused the paper-book as well as the impugned orders passed by both the Courts below.

7. It is well settled that the powers under Section 482 Cr.P.C. are to be exercised sparingly, carefully and with great caution and only to prevent abuse of process of law or to secure the ends of justice. This Court, while exercising jurisdiction under Section 482 Cr.P.C., does not sit as a Court of appeal over the concurrent findings recorded by the Courts below and interference is warranted only where there is patent illegality, perversity or gross miscarriage of justice apparent on the face of the record.

8. In the present case, learned trial Court, after appreciating the pre-charge evidence as well as the cross-examination of the witnesses examined by the complainant, came to the conclusion that the essential ingredients of offences under Sections 409, 467, 471 and 120-B IPC were not made out against respondents No.2 and 3 and accordingly, discharged them vide order dated 23.10.2018. The revisional Court, while dismissing the revision petition vide order dated 22.07.2024, has also independently re-appreciated the material available on record and affirmed the findings



recorded by learned trial Court.

9. A perusal of the record further reveals that several material admissions have come on record during the cross-examination of PW-5 Rajesh Kumar, which substantially weakened the case of the complainant himself. PW-5 admitted that Lal Dass had remained suspended from the post of Sarpanch for a substantial period from 27.07.1997 till the year 2006. He further admitted that Jai Narayan was the Deputy Sarpanch during the tenure 1995-2000. Though he denied that Jai Narayan had looked after all the work of the Gram Panchayat after suspension of Lal Dass or that Jai Narayan had acted as Chairman of the Water Shed Committee, however, these admissions lend support to the defence version that Lal Dass was not effectively functioning as Sarpanch during the relevant period. PW-5 further admitted that Panchayat land adjoining his land had earlier been taken by him on lease and that his brother Lakshmi had also taken land/shop from the Panchayat. He also admitted that he had raised grievances regarding reservation of Panchayat land and non-leasing thereof. The complainant further admitted existence of disputes relating to Panchayat land and leasing issues. These facts lend credence to the defence plea regarding previous rivalry, village factionalism and ill motive behind institution of the complaint.

10. The complainant further admitted during his cross-examination that he had not read the rules governing the Water Shed Scheme and that he was not aware whether the ADC office was overall in-charge of the said Scheme. He also stated that he was unaware whether the Deputy Commissioner had officially filed any complaint pursuant to the



alleged inquiry. These admissions assume significance in view of the allegations levelled by the complainant regarding operation and control of the Scheme by respondents No.2 and 3. Further, PW-3 Satyawar, in his cross-examination, admitted that all the persons had taken saplings and had signed the register at the time of receiving the same. He further admitted that Lal Dass had nothing to do with the Water Shed Scheme. Likewise, PW-4 admitted that the Sarpanch of the village and the Chairman of the Water Shed Scheme were different persons. He further deposed that the ADC office maintained the record of distribution of tree saplings and contributions and also admitted that Jai Narayan was Deputy Sarpanch during the relevant period. The revisional Court has rightly taken into consideration these material admissions while affirming the order of discharge passed by learned trial Court.

11. This Court is further of the considered opinion that both the Courts below have concurrently appreciated the evidence led by the complainant and have rightly held that the complainant failed to establish the essential ingredients of offences punishable under Sections 409, 467, 471 and 120-B IPC against respondents No.2 and 3. Merely because another view may be possible on the basis of the same material would not justify interference by this Court while exercising inherent jurisdiction under Section 482 Cr.P.C., particularly when the findings recorded by the Courts below do not suffer from perversity or patent illegality.

12. This Court does not find any illegality, arbitrariness, perversity or misreading of evidence in the impugned orders dated 23.10.2018 passed by learned Judicial Magistrate First Class, Rewari and dated 22.07.2024



passed by learned Additional Sessions Judge, Rewari warranting interference by this Court. Rather, both the Courts below have passed well-reasoned and speaking orders after proper appreciation of the material available on record.

13. Consequently, finding no merit in the present petition, the same is hereby dismissed.

14. All pending applications, if any, also stand disposed of.

15. However, nothing observed herein shall be construed as an expression on the merits of the case.

07.05.2026

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(MANDEEP PANNU)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>