

**Ram Singh Vs. Man Singh and Others**

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**SooperKanoon Citation :** [sooperkanoon.com/1056406](http://sooperkanoon.com/1056406)

**Court :** Punjab and Haryana

**Decided On :** Jan-28-2013

**Appellant :** Ram Singh

**Respondent :** Man Singh and Others

**Judgement :**

Crl.M.not M-38902 of 2011(O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M.not M-38902 of 2011(O&M) Date of Decision: January 28, 2013 Ram Singh .....Petitioner v.

Man Singh and others .....Respondents CORAM: HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Kuldip Singh, Advocate for the petitioner.....RAM CHAND GUPTA, J.(Oral) Crl.M.No.70812 of 2011 Application is allowed subject to all just exceptions.

Crl.M.not M-38902 of 2011 The present petition filed under Section 482 Cr.P.C.is for quashing of order dated 19.9.2009, Annexure P1, passed by learned Judicial Magistrate Ist Class, Kaithal, and order dated 24.8.2010, Annexure P2, passed by learned Additional Sessions Judge, Kaithal, dismissing complaint filed by petitioner-complainant against the respondents.

I have heard learned counsel for the petitioner and have gone through the whole record carefully.

Briefly stated petitioner filed criminal complaint against respondents-accused for offences punishable under Sections 420, 467, 468, 471, 120-B and 218 IPC.

He has taken the plea that he is karta of the family and have three children and however, he is in the habit of consuming liquor.

He was owner in possession of 1/9th share of the total land described in the complaint as per jamabandi for the year 1966-67.

The said land was mortgaged by him for a consideration of `5,000/- with respondents no.1 and 2 vide mortgage deed dated 8.12.1971.

He again asked for some more money from respondents no.1 and 2 and agreed to create further mortgage of the same land and had taken `11,000/- from respondents no.1 and 2.

Crl.M.not M-38902 of 2011(O&M) -2- However, respondents no.1 and 2 in collusion with respondent no.3 and Kehar Singh (deceased) got executed sale deed in favour of respondent no.1 and one Kishan, son of Didar, whereas no such sale deed was executed by him and hence, the sale deed is a result of fraud being committed upon him.

On presentation of the complaint, preliminary evidence was recorded.

Petitioner-complainant was put to cross-examination.

On the basis of certain admissions made by petitioner-complainant himself in the cross-examination, the complaint was ordered to be dismissed and respondents-accused were discharged.

Revision filed against the said order was also dismissed by learned Additional Sessions Judge, Kaithal vide order dated 24.8.2010.

It has been contended by learned counsel for the petitioner- complainant that both the Courts committed illegality in placing reliance upon cross-examination of petitioner-complainant whereas stand of petitioner-complainant in the examination-in-chief was that no such sale deed was executed by him and that his deposition

also finds corroboration from deposition of handwriting expert PW3.

A careful perusal of cross-examination of petitioner- complainant shows that it has been correctly observed by learned Additional Sessions Judge, Kaithal, that he has himself admitted that he executed sale deed of property in dispute in favour of respondents on 5.4.1973, which is bearing No.13/1.

He has also admitted copy of said sale deed Ex.C1 as correct.

He has admitted his thumb impressions on the sale deed Ex.C1.

At the time of entering mutation, the revenue authorities mentioned number of sale deed as 171 instead of 13/1, whereas there is no sale deed bearing No.171.

However, merely, on this ground it cannot be said that sale deed Ex.C1 is a forged document.

Moreover, admittedly, the sale deed was already challenged in civil Court and, however, Court of Additional Civil Judge (Sr.Division).Kaithal, vide judgment and decree dated 28.2.2007 dismissed the said suit filed for challenging the said sale deed.

Even appeal against the said judgment and decree was also dismissed by fiRs.appellate Court vide judgment and decree dated 12.12.2008.

Though it has been stated by learned counsel for the petitioner-complainant that regular second appeal against the said judgment has been filed before this Court, which is CrI.M.not M-38902 of 2011(O&M) -3- pending and however, it has also been stated that no stay has been granted in favour of petitioner-complainant.

In view of these facts, sufficient reasons have been given by learned courts below while dismissing the complaint filed by petitioner- complainant.

Hence, it cannot be said that any illegality or material irregularity has been committed by learned Courts below in passing the impugned ordeRs.warranting interference by this Court in its jurisdiction under Section 482 Cr.P.C.There is no merit in the present petition.

The same is hereby dismissed.

28.1.2013 (Ram Chand Gupta) meenu Judge

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