



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

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**CRM-M-1366-2024 (O&M)**

**Date of decision: 06.05.2025**

Balbir Singh

....Petitioner

Versus

Dhanpati and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Parminder Singh, Advocate  
for the petitioner.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this petition filed under Section 482 of Cr.P.C., is for quashing the order dated 15.02.2021 (Annexure P-3), passed by learned Additional Chief Judicial Magistrate, Karnal, whereby the complaint filed by the petitioner has been dismissed qua respondents No.4, 5 and 7 to 10 and for setting-aside the order dated 25.09.2023 (Annexure P-5) passed by learned Additional Sessions Judge, Karnal, whereby the revision preferred by the petitioner for summoning respondents No.4, 5 and 7 to 10 has been dismissed and the prayer for summoning respondents No.4, 5 and 7 to 10 in complaint No.488 of 2015 instituted on 28.10.2015 under Sections 427, 148, 149, 451, 452, 504, 506, 392, 380 IPC has also been declined.

2. The brief facts of the case are that the wife of complainant namely, Anju, legally acquired a 150 square yards plot through Court judgments dated 08.12.2007 and 27.07.2010, which were against



Subhash (now deceased), the predecessor of respondents No.1 to 3. Despite these judgments, Anju continued facing interference over the said property. On 12.11.2012, she received threatening phone calls, prompting her to file a police complaint. Later on, Dhanpati, Bhatari @ Monika, Ritu, Raghubir, Surinder, Rakesh, Kiran, Deepak, Vijay and Manjeet, allegedly with gang members, forcibly entered the aforesaid property and demolished a room, and stole the belongings, and they threatened Anju, her brother Rajbir, and witness Parmit and prevented them from intervening. Although FIR No.1622/12 was registered, however, it failed to include an earlier incident of 13.12.2011, when the accused persons had also allegedly demolished the room. Anju discovered this omission only in the year 2015 when she was called to testify her version in the Court. Additionally, on 23/24.08.2014, while attempting to carry out work on the plot with a videographer, the accused persons again obstructed her efforts, allowing only partial video documentation. These repeated acts of interference and intimidation form the basis of her legal action against the accused persons.

3. Learned counsel for the petitioner submits that the learned trial Court has erred in overlooking the crucial evidence, including eyewitness testimony and photographs of the damaged property. He further submits that all the accused persons were named in the second complaint dated 13.11.2012 (Annexure P-2), and respondents No.7 and 8, who are sons of respondent No.6 are habitual offenders and member of land grabbers. Learned counsel for the petitioner further contends



that the learned Additional Sessions Judge, Karnal has incorrectly relied on an FIR related to a prior incident, failing to distinguish the present complaint, which pertains to a different set of allegations and therefore, the order dated 25.09.2023, dismissing the revision petition for summoning the accused persons is arbitrary and unlawful.

4. After hearing learned counsel for the petitioner and examining the material on record, this Court finds no ground to interfere. The learned Magistrate, in exercise of powers under Section 202 Cr.P.C., rightly declined to summon respondents No. 4, 5, and 7 to 10, noting the absence of specific allegations or material linking them to the offence at the summoning stage. A perusal of the record shows that the petitioner had earlier sought to summon the respondents in FIR No.1622/12 by filing an application under Section 319 Cr.P.C., which was dismissed by learned Judicial Magistrate Ist Class, Karnal vide order dated 29.08.2015. This rejection formed the backdrop against which the petitioner instituted the present private complaint, seeking to summon the same individuals who were previously not charge-sheeted. The learned Judicial Magistrate Ist Class, Karnal, after considering the record and depositions, rightly concluded that the allegations against respondents No. 4, 5 and 7 to 10 were vague and not supported by any specific act or cogent evidence at the summoning stage. Furthermore, the learned Revisional Court was justified in concluding that the filing of the private complaint was an attempt to re-agitate the same grievance which had already been decided in proceedings under Section 319



Cr.P.C. Further, the learned Revisional Court has rightly clarified that persons not charge-sheeted in an FIR cannot be summoned through a private complaint in such circumstances.

5. In the present case, the petitioner's attempt to summon additional accused through a private complaint, after the application under Section 319 Cr.P.C. had already been dismissed, amounts to an abuse of the process of law. Accordingly, the present petition is dismissed as the impugned orders are well-reasoned and do not suffer from any illegality.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**06.05.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No