



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

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**CRM-M-61825-2024  
DATE OF DECISION: 13.05.2025**

**DARBARA SINGH**

**.....PETITIONER**

**VERSUS**

**AMRIK SINGH AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Karan Singh, Advocate  
for the Petitioner.  
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**SANDEEP MOUDGIL, J**

1. The jurisdiction of this court has been invoked under section 528 BNSS, for setting aside the order dated 10.1.2016 (Annexure P-2) passed by the Id. Sub Divisional Judicial Magistrate, Guhla whereby the complaint filed by the petitioner vide criminal case no. 135/16 dated 02.01.2015 for the offence under sections 406,419,420,467,468,471,506,120-B IPC against the respondents has been dismissed and further for setting aside the order dated 05.02.2020 (Annexure P-4) passed in criminal Revision no. RBT-125 of 2018, by the court of Id. Additional Sessions Judge, Kaithal whereby the Revision petition filed by the petitioner against the order dated 10.10.2016 has been dismissed.
2. Briefly, facts of the case are that in the month of August 2013, respondent no.1 came to the shop of the petitioner with Rishi Pal, son of Bhag Singh and told the petitioner that he is the partner of M/s A.G. Construction

Co.421/5 , Ravi Dass Nagar, Factory Area, Patiala which also works at Delhi. Thereafter, respondent no.1 started to visit the complainant and gradually allured the petitioner to share into the business and profit of their firm. After some days, Respondents no.1 and 3 came to the petitioner and persuaded the petitioner to become partner in their firm to which the petitioner did not show any interest but two days later, respondents alongwith respondent no.4 came to the petitioner and instigated the complainant to hand over a sum of Rs.2 lacs and assured the petitioner that he is not required to perform any work and assured that the petitioner will obtain profit while sitting at home. Further, Respondent no.2 and 4 asked the petitioner to make the payment of Rs.2,00,000/- out of the required 10,00,000/- to which the petitioner showed his inability and borrowed the said amount from his friend named Jogi Ram and paid to the accused persons. Such like transactions were made later made by the petitioner to the respondents with total amounting to Rs.12,50,000/-.

3. Counsel for the petitioner contends that the respondents had hatched a conspiracy with each other and defrauded the petitioner by alluring him of partnership in a fictitious firm formed by them, in the name and style of M/s A. G. Construction Co. It is further contended that the petitioner also filed a complaint to then S.P. Kaithal on 09.08.2014 and after conducting inquiry upon that complaint, the police also came to the conclusion that financial transactions took place between the petitioner and the respondents.

4. He vehemently argues that on asking back the money, the respondents threatened him which compelled to file a complaint before the Sub Divisional Magistrate , Guhla which was dismissed vide order dated 10.10.2016 holding that the allegations against the respondent-accused could not be proved by the petitioner-complainant.(Annexure P-2)

5. In addition, it is argued that the petitioner filed the revision petition before the Ld.Session Judge, Kaithal but the same was dismissed on the same day vide order dated 05.02.2025 on the ground that the petitioner-complainant deposited the amount of Rs.2.50 lacs on 13.01.2014 and withdrew on the same day whereas the truth is that the said amount was withdrawn by the respondent no.4.

6. Heard counsel for the petitioner at length and meticulously gone through the record in hand.

7. Having heard the counsel for the petitioner and going through the case file, this court is of the considered opinion that there is no illegality or infirmity in the judgment passed by the trial court and lower appellate court.

8. From the perusal of the judgment by both the courts, it is evident that the petitioner could not at all prove from the partnership deed of having any connection with the M/s A.G. Construction Company and has not alleged anywhere in his complaint that the said company was a fictitious company and the respondents had never been partners of any such company.

9. Moreover, the petitioner had miserably failed to prove through his preliminary evidence that any of the respondents had a connection with the said M/s A.G Construction Company. Indeed, if the version of the petitioner is to be believed, it raises doubt on its truthfulness wherein he is found to have not delivered a single penny from his own sources i.e from the very beginning, he had borrowed money from one acquaintance or the other. Further, the act of the petitioner of depositing the certain amount in the bank and withdrawing it through cheque on same day does not create any logic in his act. All these facts and circumstances clubbed together do create a reasonable doubt on the act of the

petitioner for which both the courts below have rightly dismissed the complaint of the petitioner.

10. In the light of above discussion, this court is of the strong view that no fault can be found with the judgment passed by the trial court and lower appellate court dated 10.10.2016 (Annexure P-2) and 05.02.2020 (Annexure P-4) respectively and as such the present petition, having no merit stands dismissed.

11. Ordered accordingly.

(SANDEEP MOUDGIL)  
JUDGE

13.05.2025

Meenu

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