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

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JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
16.01.2026	09.03.2026	FULL PRONOUNCED	09.03.2026

Amar Singh through LR ...Petitioner

Versus

Mukhtiar Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Randhawa, Amicus Curiae.

ANOOP CHITKARA, J.

1. Petitioner has come up before this Court under Section 397 r/w 401 CrPC, challenging the order dated 11.02.2013 passed by Sub Divisional Judicial Magistrate, Samana whereby application filed by the petitioner who is now represented by his LR Mukhtiar Singh under Section 195(1) (b) (i) (ii) CrPC against the respondent to launch prosecution has been turned down and the order dated 29.03.2016 whereby the appeal against the said order was dismissed by Additional Sessions Judge, Patiala.

2. As per the petitioner, the story began in 1956 when government initiated proceedings to acquire the surplus land of the farmers. At that time, Raj Kumar Hazura Singh was owner of 723 bighas 10 biswas land in village Bishanpura @ Banwala, Tehsil Samana, District Patiala. To save the surplus land from the government acquisition, Raj Kumar Hazura Singh adopted the method of transferring the land in favour of his servant Prem Singh and he got recorded rapat No. 456 dated 19.08.1956 and rapat No. 257 dated 12.04.1959 based on which the mutation no.139 dated 09.05.1959 was recorded in favour of Prem Singh. By dent of the said mutation, Prem Singh servant of Raj Kumar Hazura Singh became owner of the said land.

3. The case of the petitioner is that he had purchased the land from Raj Kumar Hazura Singh vide agreement to sell dated 26.11.1973 and paid earnest money to the tune of Rs.3200/- out of the total sale consideration of Rs.4700/- and said Raj Kumar Hazura Singh delivered possession of the land measuring 34 Kanals- 5 Marlas. By way of said agreement, petitioner became owner in possession of the said land and he proclaimed that he is owner of the land and he is in possession.



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4. A dispute arose between the parties qua possession of the land and petitioner filed a suit for permanent injunction against Vinod and Mukhtiar Singh before the court of Sub Judge, Ist Class, Samana bearing no. CS 26-T-1989 on the ground that he is owner in possession of the land and respondents are trying to encroach upon the same. Later on, respondent No.2 in suit no. 26-T-1989 also filed civil suit no.512-T dated 08.08.1990 against the petitioner before the Court of Additional Civil Judge (Senior Division) for permanent injunction qua the land in dispute.

5. The suit filed by the petitioner has been dismissed vide judgment dated 28.8.1989 and suit filed by respondent No.3 was decreed thereby petitioner was restrained from dispossessing the plaintiff i.e. Mukhtiar Singh and Mohinderpal Singh forcibly. The appeal against the said judgment was also filed and the same stands dismissed by the First Appellate Court vide order dated 29.03.2016. Petitioner has also challenged the judgment of both the Courts before this Court by filing RSA No. 1186 of 1997 and RSA No. 1187 of 1997. Both the appeals filed by the petitioner stand dismissed and the orders passed by the first jurisdictional Court and the Appellate Court stand affirmed. There is no averment in the petition qua filing of appeal against the order passed in the above said RSA before the Hon'ble Supreme Court. After the dismissal of the appeal in the year 2018 from this Court, petitioner filed the present application under Section 195(1) (b) (i) (ii) CrPC on 12.12.2022 on the ground that respondents Mukhtiar Singh and Mohinderpal Singh deposed falsely while appearing in the witness box before the first jurisdictional Court as record of the case is contrary to the version made by the respondents.

6. Petitioner examined number of witnesses to prove his stand that the respondents deposed falsely and mis-represent the Court.

7. I have gone through the record and its analysis would lead to the following outcome. Perusal of the record reflects that the judgment passed by the First jurisdictional Court has already attained finality. As concerned for the exhibits which were produced by the petitioner in this application, they are required to be proved in a civil litigation. Instead of filing civil suit, review of judgment of this Court or modification of judgment, petitioner chooses to file an application for launch of prosecution against the respondent. Only the documents which as per the petitioner are correct required scrutiny of the Court on civil side. The jurisdiction of the criminal Court cannot march over the jurisdiction of civil Court. This Court has to assess the offence, if any made by the respondent. Once the judgment passed by the First jurisdictional Court after assessment of all the necessary documents has attained finality, this Court has no jurisdiction to interfere in the said finding. The documents qua which petitioner is making allegations are very much in the knowledge of the petitioner from the very initial stage. Moreover, he was given enough opportunity to prove his case by way of rebuttal. Similarly, he was granted full



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opportunity to lead evidence in the case filed by the respondent.

8. Petitioner proclaimed to be owner in possession based on the agreement dated 26.11.1973, however no sale deed pursuant to that agreement was recorded nor there is any averment that he has filed any suit for specific performance against the said Raj Kumar Hazura Singh but after the death of said Raj Kumar Hazura Singh, his wife refused to honor the said agreement until the said agreement is not acted upon finally so the grounds of petitioner being owner of the property cannot be accepted. Moreover, petitioner has to establish his own case before the civil Court instead of questioning the ownership of Prem Singh.

9. Given above, there is no merit in the petition. The orders passed by the trial Court as well as the Appellate Court are reasoned one and no interference is called for and petition stands dismissed. All pending applications, if any also stands disposed of.

(ANOOP CHITKARA)
JUDGE

09.03.2026
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.