

CRM-M-13069-2015

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

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Date of Decision: 27.04.2015

Jagtar Singh

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. N.S.Diwana, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

This is second petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No.124 dated 20.11.2014, registered at Police Station Mahilpur, District Hoshiarpur, under Sections 419, 420, 406, 465, 467, 468, 471 and 120-B of the Indian Penal Code.

I have heard learned counsel for the petitioner and perused the record.

It is the case of prosecution that Malkiat Singh son of Gurdas Singh, who happens to be nephew of original owner moved application that he is taking care of land of Joginder Singh. On 12.08.2013, one Mewa Singh son of Pakhar Singh, resident of village Machhian Khurd, District Ludhiana prepared forged document and

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impersonated himself as Joginder Singh son of Bhag Singh and fraudulently received loan of ₹18.5 lacs from the Central Bank of India, Branch Kohara. The petitioner is a witness to the mortgage (without possession) deed which has been executed in favour of the bank. The petitioner had apparently identified Mewa Singh as Joginder Singh, who died on 14.03.1995. As a result of which, forged and fabricated document in the shape of mortgage (without possession) deed was executed. The said Mewa Singh had also executed an agreement to sell the land measuring 38 kanals 11 marlas situated in village Dassowal, Hadbast No.306, Tehsil Garshankar, District Hoshiarpur with one Desh Raj by impersonating himself as Joginder Singh. It is settled principle of law that anyone can set or put the criminal law in motion. The case law *Md. Ibrahim & Ors. vs. State of Bihar & Anr.* 2009 (4) Criminal Court Cases 8 and *Ganesh Dan vs. State of Rajasthan & Anr.* 2013 (1) Criminal Court Cases 281, cited by learned counsel for the petitioner are found distinguishable to the facts and circumstances of the present case because it is not an issue in the present case that complainant is a third party. In fact, he is real nephew of Joginder Singh, who died on 14.03.1995 and now the complainant is taking care of land of deceased.

No ground for quashing of impugned FIR is made out.

Dismissed.

27.04.2015

parveen kumar

(Paramjeet Singh)
Judge