

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M-33781 of 2008

Jaswinder Singh

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

AND

2. Criminal Misc. No. M-33755 of 2008

Jaswinder Singh

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

Date of Decision: 14.09.2015

CORAM: Hon'ble Mr. Justice Ajay Tewari.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. R.S.Ghuman, Advocate
for the petitioner(s).

Ms. Amarjit Kaur Khurana, Additional Advocate
General, Punjab for the respondents.

Ajay Tewari, J.

These two petitions have been filed for granting of relief arising from the same facts. Criminal Misc. No. M-33781 of 2008 has been filed for quashing of FIR No. 56 dated 2.4.2002, registered under Sections 419, 420, 467, 468, 471 & 120-B IPC at Police Station Banga, District Nawanshahr, while Criminal Misc. No. M-33755 of 2008 has been

filed for quashing the order dated 12.2.2005 declaring the petitioner to be a Proclaimed Offender.

The dispute relates to the inheritance of one Naranjan Singh; with the petitioner, his brother and his sister arrayed on one side and one Ravinder Kaur on another side. The petitioner and his two siblings claimed the inheritance of aforesaid Naranjan Singh on the basis that he had made a Will in their favour (being his children) on 21.2.2000, whereas Ravinder Kaur claimed that she was the second wife of Naranjan Singh and he had bequeathed all his property to her Will dated 16.12.1998.

Learned counsel for the petitioner has argued that the petitioner had filed civil suit for declaration that he and his siblings had inherited the property on the basis of Will dated 21.2.2000 in which the aforesaid Ravinder Kaur had set up the Will dated 16.12.1998 and by judgment & decree dated 31.3.2012, the Civil Court had discarded both the Wills. As per learned counsel, a civil dispute has been given the colour of a criminal case only to pressurize the petitioner. As regards the order declaring the petitioner as a Proclaimed Offender he has stated that right from the lodging of the FIR, the petitioner never came back to India and consequently the order declaring him to be a Proclaimed Offender was illegal.

Learned Additional Advocate General on instructions from Head Constable Amarjit Singh had accepted the factual assertions made above.

**Criminal Misc. No. M-33781 of 2008
And Connected Case**

3

In this view of the matter, it has to be held that the FIR was an attempt to criminalize what was essentially a civil dispute. It is also clear that the order declaring petitioner as a Proclaimed Offender was illegal.

Consequently, both the petitions are allowed. The impugned FIR is quashed and the order declaring petitioner as a Proclaimed Offender is set aside.

(Ajay Tewari)
Judge

September 14, 2015
"DK"