

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27986 of 2015

.....

Date of decision:24.8.2015

Gurjit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ranjan Lakhanpal, Advocate for the petitioners.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.4 dated 6.1.2009 (Annexure-P.1) registered for the offences under Sections 420, 467, 468 and 471 IPC at Police Station City Muktsar, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the FIR in the present case has been registered on the statement of Pyare Lal, who stated that Gurjeet Singh had prepared fake general power of attorney and obtained his signatures on the same by misleading him and on the basis of the same, he in connivance with witnesses and judgment writer had executed fake and frivolous three sale

deeds without any transaction and without his consent and will, of land measuring 110 sq. feet the properties as described in the FIR. The above mentioned three sale deeds had been executed by Gurjeet Singh in connivance with all other accused in favour of his wife, relatives and nearer without any consideration with an intention to usurp the property of the complainant. It is also in the FIR that he had not given any authority to them to sell his above mentioned property nor he has received any consideration for the same. It is also the case of the complainant that he is still in possession of the plot and house, fake and false sale deeds of which they have prepared.

The allegations against the petitioners are that Gurjeet Singh in connivance with the petitioners prepared the fake general power of attorney and obtained signatures of the complainant by misleading him and then sold the property by Gurjeet Singh to his wife, relatives and nearer without any transaction.

Learned counsel for the petitioners argued that if consideration was not given to the petitioner, he can recover the same and ground given for executing this power of attorney is only hard of hearing which is not a reasonable ground for the quashing of the FIR.

The petitioners are to show that the registration of FIR is nothing but an abuse of the process of the law or it amounts to miscarriage of justice or it should be quashed to secure the ends of justice. A perusal of the record shows that after investigation, the challan has already been presented before the Court though charge has not been framed yet. The

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allegations are regarding forging the general power of attorney and executing the sale deed in favour of close relatives in connivance with the accused. These facts are to be decided by the trial Court on the basis of evidence which the prosecution will produce at appropriate stage. At this stage, there is nothing to show that registration of FIR, in any way, amounts to abuse/misuse of the process of law.

Therefore, finding no merit in this petition, the same is dismissed.

August 24, 2015.

(Inderjit Singh)
Judge

hsp