

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

**CRM NO. M-28055 OF 2015 (O&M)
DECIDED ON : 28.09.2015**

Dr. Dilbagh Singh and others

...Petitioners

versus

Takdir Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Kirpal Singh, Advocate,
for the petitioners.

Mr. Vikrant Hooda, Advocate,
for the respondent.

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

AJAY TEWARI, J. (ORAL)

This is a petition for quashing the criminal complaint No.22 of 2011 dated 28.05.2010 (Annexure P-1) titled as, "**Takdir Singh vs. Dr. Dilbagh Singh and others**" under Sections 420/467/468/471/120-B of the Indian Penal Code pending in the Court of Ms. Shailza Gupta, Judicial Magistrate Ist Class, Jhajjar, as well as, the summoning order dated 21.07.2015 (Annexure P-2).

As per the complaint, the petitioners created a fraudulent agreement to sell and receipt ostensibly executed by the complainant.

Learned Senior counsel has argued that with regard to this issue, a civil dispute is pending and the complaint has been filed after 12 years.

Learned counsel for the complainant, on the other hand, states that two courts have already found that the alleged agreement is a fraudulent document and rather the complainant waited for vindication from the civil court before he filed complaint. He has, however, accepted that regular second appeal is pending against the judgment of civil court.

Keeping in view all the facts and circumstances of the case and without commenting on the merits of the case, I do not deem it appropriate to allow this petition. Consequently, the petition is dismissed. However, the interim order dated 24.08.2015 is hereby made absolute and the bail granted to the petitioners is confirmed.

It is directed that the petitioners would be granted exemption from the trial court from their personal appearance except on the date/s when their presence is required specifically. However, nothing mentioned in this order would be taken as reflection on the merits of the case.

SEPTEMBER 28, 2015
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(AJAY TEWARI)
JUDGE