

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

**CRM No.M-7646 of 2015
Date of Decision: 10.03.2015**

Narinder Singh & Ors.

.....Petitioners

Versus

State of Punjab & Anr.

.....Respondents

CORAM: HONBLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Athwal, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), for quashing of FIR No.28 dated 14.03.2014 under Sections 420, 465, 467, 468, 471, 177 & 120-B of the Indian Penal Code ('IPC' for short), registered at Police Station Jamalpur, District Ludhiana and the police report submitted under Section 173 Cr.P.C., as well as the subsequent proceedings arising therefrom.

Learned counsel for the petitioners, while referring to the report under Section 173 Cr.P.C. (Annexure P2), submits that since the Will in question has not been found to be a forged one, there is no chance of conviction of the petitioners. He prays for allowing the present petition by quashing the impugned FIR and the report under Section 173 Cr.P.C (Annexure P2) as well as subsequent proceedings arising therefrom, qua the petitioners.

Having heard the learned counsel for the petitioners at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that keeping in view the peculiar fact situation, instant one has not been found to be a fit case, warranting exercise of inherent jurisdiction under Section 482 Cr.P.C., at the hands of this Court.

It is the settled principle of law that even if the allegations levelled in the FIR are taken to be true on their face value, without adding anything thereto and without extracting anything therefrom, no case, whatsoever, is made out against the accused, only in that situation, the accused will not be forced to face the criminal trial. However, in the present case, a careful perusal of the allegations levelled against the petitioners in the impugned FIR would show that it cannot be said that no offence, whatsoever, is made out against the petitioners.

This Court is not supposed to go into the scope of conviction of the petitioners. The prosecuting agency has yet to start leading its evidence. It will be seen at the time of trial, as to which allegations levelled against the petitioners are substantiated by the prosecution by leading its evidence. Having said that, this Court feels no hesitation to conclude that since the impugned FIR discloses the commission of offence against the petitioners, the same cannot be quashed.

In fact, the petitioners want this Court to presume everything in their favour on the basis of allegations levelled against them in the impugned FIR and the report submitted by the Investigating Agency under Section 173 Cr.P.C. No reasons much less sufficient reasons have been pointed out to enable this Court to presume that the petitioners are innocent.

The prosecuting agency has not yet brought any evidence on record. Under these circumstances, it can be safely concluded that the petitioners cannot be declared innocent at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, the instant petition stands dismissed, however, with no order as to costs.

10.03.2015

Bhumika

**(RAMESHWAR SINGH MALIK)
JUDGE**