

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

CRM-7669 of 2015
Date of decision: 11.3.2015

Jaswinder Singh and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Rajan Gupta, J. (oral)

In this petition under Section 482 Cr.P.C., petitioner has sought quashing of criminal complaint No.367 dated 30.09.2008 and summoning order dated 6.6.2013, passed by Judicial Magistrate 1st Class, Batala pursuant to same.

Learned counsel for the petitioner vehemently contends that petitioners themselves have been cheated in the case. They are innocent purchasers of the property and have been falsely implicated in the case. Learned counsel relies upon *Md Ibrahim & Ors. Vs. State of Bihar & Anr., 2009 (4) R.C.R. (Criminal) 369*.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

A complaint was filed by one Ripudaman Singh stating therein that his mother, who was suffering from a serious mental disease, had been duped by the accused. Accused No.1 in connivance with other

co-accused had prepared a forged and fabricated power of attorney dated 20.11.2005 and executed sale deed dated 17.3.2008 in favour of Jaswinder Singh and Didar Singh (petitioners herein). He alleged that his mother was incapable of executing any power of attorney. Matter was reported to the police but it failed to take any action. Instant complaint was, thus, filed. Complainant led preliminary evidence. He himself deposed before the court and examined five other witnesses. Even a doctor from Government Mental Hospital, Amritsar stepped into the witness-box and deposed that mother of the complainant was referred to Psychiatric Department in Medical College Amritsar as she was suffering from chronic schizophrenia. As power of attorney was executed by the patient and sufficient preliminary evidence came on record to show that accused had participated in the crime, trial court decided to summon them to face trial for offences under sections 467, 468, 471, 420 and 120-B IPC. I find no infirmity with the order. The judgment in *Md Ibrahim's case (supra)* cannot help the petitioners as facts of the present case are totally different. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

11.3.2015
'rajpal'