

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-858 of 2015 (O&M)
Date of Decision: January 12, 2015

Naranjan Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Labh Singh Bhangu, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.285 dated 28.10.2011 under Sections 420, 467, 468, 471 and 120-B IPC registered at Police Station City Rajpura, District Patiala and charges framed against them with further prayer that during the pendency of the present petition, subsequent proceedings so pending in the Court of JMIC, Rajpura be stayed.

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

First of all, in the present case, after completion of the investigation, challan has already been presented and charges have already been framed, which means that the Court has already taken the cognizance. No revision has been filed against the framing of the charges, rather present petition under Section 482 Cr.P.c. has been

filed.

Learned counsel for the petitioners argued that case is of civil nature and no offence is made out. From the perusal of the FIR, I find that the allegations are that accused in this case have prepared forged order by a forged reader and by forging the signatures of Tehsildar-cum-A.C.IInd Grade Rajpura in case of correction of khasra girdawari of land of village Kehargarh and Gurditpura. It is also in the FIR that the applicant and brother of the applicant have enquired about the case file through Suvidha Centre but when they found that there was no order dated 26.08.2009 available in the revenue record and this was proved by report of Incharge D.C. record room, Patiala dated 03.08.2011 so attached. The Commissioner, Patiala Division, Patiala vide order dated 06.05.2009 had upheld the order dated 27.09.2007 of Asstt. Collector Second Grade. It is further in the FIR that according to forged order dated 26.08.2009 of Barjinder Singh Tehsildar-cum-A.C.IInd Grade Rajpura, accused have got corrected khasra girdawaries in their names.

From the perusal of the FIR itself, it cannot be held that no offence is made out. As regarding the fact that whether this order dated 26.08.2009 is forged order or valid etc., these findings are to be given by the trial Court on the basis of evidence, which is still to be produced before the trial Court. At this stage, in no way, it can be held that the registration of the FIR is misuse/abuse of process of the law, specially when the investigation is complete and challan has already been presented and the Court has found prima facie case to frame

the charges against the petitioners.

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

January 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE