

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-10134 of 2016(O&M)****Date of Decision: May 03, 2016**

Bakhtawar Singh and others

...Petitioners

VERSUS

Narinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Karanjit Singh, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondent Narinder Singh for quashing of order dated 18.02.2015 passed by learned Judicial Magistrate Ist Class, Jalandhar, charge-sheet dated 01.05.2015 and also for quashing of judgment dated 14.01.2016 passed by learned Addl. Sessions Judge, Jalandhar, vide which the revision filed by the petitioner was dismissed.

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

As per the prosecution version, complainant took loan on two occasions from accused Bakhtawar Singh and at the time of taking the loan, accused took some blank signed cheques and blank

signed stamp papers from complainant and his wife. Later on, a dispute arose between the parties and the matter was resolved and amount of ₹4,25,000/- was returned and a writing was executed in October 2008 in this regard. The documents were sought to be returned by the accused, which were never returned and in fact, the same were misused. A civil suit regarding one of the agreement to sell was also filed. The complaints are also pending under Section 138 of the Negotiable Instruments Act etc.

Learned Addl. Sessions Judge, Jalandhar, after appreciating the evidence, found no merit in the revision petition and dismissed the same.

After going through the record, I find that the allegations are levelled that blank signed cheques have been forged into valuable securities by the accused and this fact has been clear from the compromise between the parties vide which the amount of ₹4,25,000/- was paid.

At the time of framing of charge, the Court is only to see prima facie case. The Court is not to weigh the evidence and now, as per the law laid down by the Hon'ble Supreme Court, even in complaint case, the Court is not to see whether the evidence, if remained un-rebutted, will lead to conviction. In the complaint case also, at the time of framing of charge, the Court is to see whether prima facie case is made out or not from the evidence produced for the purpose of framing of charge.

The revision petition filed by the petitioner has already

been dismissed by learned Addl. Sessions Judge, Jalandhar. This is a quashing petition. The order of framing of the charge as well as judgment passed by learned Addl. Sessions Judge, Jalandhar, can only be quashed, if on the face of it, it is shown that these order and judgment, amount to miscarriage of justice or on the face of it, these order and judgment are against the law or without jurisdiction etc. There is nothing on the record that the order and judgment passed by the Courts below are not as per law or any illegality has been committed.

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

May 03, 2016
Vgulati

(INDERJIT SINGH)
JUDGE