

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11956 of 2016

.....

Date of decision:6.4.2016

Junaid Ali Khan

.....Petitioner

v.

Mohd. Nasir and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Mohd. Yousaf, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.104 dated 29.10.2011 (Annexure-P.1) registered for the offences under Sections 420, 465, 467 and 468 IPC at Police Station City-I Malerkotla, District Sangrur and all subsequent proceedings arising therefrom.

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

From the record, I find that challan has already been presented in the Court under Section 173 Cr.P.C. but the charges have not been framed yet.

Learned counsel for the petitioner argued that no offence is

made out against the present petitioner from the FIR. A copy of the FIR has been placed on the record.

I have gone through the FIR. The FIR has been registered at the instance of Mohd. Nasir-respondent No.1 against the present petitioner Junaid Ali Khan son of Shaukat Ali Khan on the allegation for preparing forged power of attorney dated 18.11.2006. It is stated in the FIR that Junaid Ali Khan, who writes his father's name as Shaukat Ali Khan is actually Surinder Kumar and his father's name is Dhiraj Nath son of Attar Chand, who was previously residing at Mohalla Tapa Malerkotla, Distt. Sangrur. It is the allegation that Surinder Kumar, who was also a member of Municipal Committee, Malerkotla was very close to Shri Nusrat Ali Khan and he started business with him and then Surinder Kumar converted his religion and became Mohammedan and changed his name from Surinder Kumar to Jo Junaid Ali Khan and got married with Parveen Nusrat daughter of Nusrat Ali Khan son of Azmat Ali Khan and started residing in the house of his in-laws in Mohalla Maler Malerkotla. After some time, he changed his name to Junaid Ali and also changed the name of his father and started writing the name of his father as Shaukat Ali instead of Dhiraj Nath. He also got issued passport from Regional Passport Office, Chandigarh under the fake name of Junaid Ali son of Shaukat Ali. It is further in the FIR that Smt. Sajida Begum was a rich lady and was owner of movable and immovable properties at Malerkotla, Chandigarh and other towns. She was alone residing in Chandigarh alone for the last several years and was suffering from various ailments and confined to bed. Smt. Sajida Begum

unfortunately died issueless on 30.7.2006 at Chandigarh. The complainant used to render service to Smt. Sajida Begum, due to which Smt. Sajida Begum gifted away her land measuring 22 Kanals 12 Marlas to the complainant, who is in possession of the said land as owner. Smt. Sajida Begum also executed memorandum of oral gift deed on 20.4.2006 in favour of the complainant. It is allegation in the FIR that Junaid Ali Khan accused seized to greed and to grab the property of late Smt. Sajida Begum, he prepared dishonestly and fraudulently special power of attorney dated 18.11.2006 in connivance with Fayyat Ali Khan son of Majid Khan resident of Darul Islam Railway Road Sheikhpura Pakistan to deceive and to cause damage and injury to the applicant and other persons and grab the movable and immovable property of late Smt. Sajida Begum. After preparing the special power of attorney, he cheated several persons by impersonations and received huge amount by executing agreements to sell and sale deeds showing fake attorney and he has also sold property belonging to Smt. Sajida Begum in conspiracy with co-accused Fayyal Ali Khan.

After the investigation, report under Section 173 Cr.P.C. has already been filed against the present petitioner. At this stage, from the perusal of the FIR, in no way, it can be held that no offence is made out or the registration of the FIR against the present petitioner is abuse of process of law or amounts to miscarriage of justice.

Keeping in view the above facts at this stage, in no way, it can be held that no offence of any type is made out. Therefore, no ground is made out for quashing the FIR.

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Consequently, finding no merit in this petition, the same is dismissed.

April 6, 2016.

(Inderjit Singh)
Judge

hsp