

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-19510 of 2014 (O&M)
Date of decision: February 12, 2016

Balkar Singh ...Petitioner

Versus

State of Punjab & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rohit Ahuja, Advocate for the petitioner.
Mr. Ankur Jain, AAG, Punjab.
Mr. Sudhir Pruthi, Advocate for respondent No.2.

Rajan Gupta, J.

This is a petition under section 482 Cr.P.C. seeking quashing of FIR No.158 dated 2.10.2013, registered against the petitioner under sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Maksudan, Jalandhar City as well as all subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that agreement was executed by respondent No.2 himself and same is not a forged document. The petitioner has not committed any fraud. He has also obtained a civil court decree dated 21.5.2015 in respect of the said land. FIR against the petitioner is abuse of process of law and same deserves to be quashed. He has relied upon *Md Ibrahim & Ors. Vs. State of Bihar & Anr., 2009 (4) R.C.R. (Criminal) 369.*

Learned State counsel as well as counsel for respondent No.2/complainant have opposed the plea. According to them, said

agreement was neither executed by respondent No.2 nor he received any sale consideration. It was prepared in connivance with the petitioner by impersonation and was witnessed by Ajit Singh and Charan Singh, on the basis of which sale deed dated 29.3.2010 was executed.

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

FIR was registered on the complaint made by Sukhwinder Singh on the allegations of fraud and forgery. It is alleged that complainant, who has been living abroad and did not visit India after October, 2008, owned land situated in village Jalla Singh. He came to know that petitioner Balkar Singh got sale deed dated 5.12.2012 registered in his name in respect of his land by obtaining a civil court decree dated 11.5.2011. The allegations are that on 29.3.2010, accused prepared a forged and fabricated agreement to sell to grab the land of the complainant, whereas complainant neither executed any such agreement nor received any sale consideration. It appears, complainant never received any summons of the civil suit filed by the petitioner and the petitioner succeeded in getting a decree passed in his favour. The complaint was enquired into by Superintendent of Police (HQ), Jalandhar (Rural) and after conclusion of enquiry, present case was registered. Investigation ensued. After completion of investigation, challan was presented before the court. I am of the considered view that all the pleas of the petitioner can be considered only after evidence is led before the trial court. It is not possible for this court at this stage to arrive at a conclusion that offences as alleged in the FIR, are not made out. It is also

not possible for this court to conclude at this stage that the petitioner has been falsely implicated in the case. Judgment in *Md Ibrahim's case* (*supra*) cannot help the case of the petitioner in any manner. No case for interference in inherent jurisdiction of this court is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 12, 2016
'Rajpal'