

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-22350 of 2015 (O&M)
Date of Decision:- September 27, 2016**

Surjit Singh and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Mahir Sood, Advocate
for the petitioners.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against respondent State of Punjab, for quashing of judgment dated 27.04.2015 passed by learned Addl. Sessions Judge, Amritsar, vide which the revision petition filed against the impugned order of framing charge as well as charge-sheet dated 11.09.2014 served upon the petitioners by learned JMIC, Amritsar in case FIR No.26 dated 05.03.2012 under Sections 420, 467, 468, 471 of IPC registered at Police Station 'B' Division, Amritsar and all consequential proceedings arising therefrom.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioners as well as

learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been registered on the statement of Jaswinder Singh, who mainly alleged that marriage of his daughter Sumit Kaur was solemnized with Surpreet Singh son of Surjit Singh, according to Sikh rites on 30.05.2002. Out of the said wedlock, a daughter namely Asleen Kaur was born, who is residing with the complainant. It is further alleged that after the marriage, Sumit Kaur was tortured for bringing more dowry. During the period, complainant's son-in-law Surpreet Singh expired suddenly on 02.11.2006 and after his death, the behaviour of the in-laws family became harsh and they threw out Sumit Kuar and her daughter. It is also stated that the Surpreet Singh was owner of one factory and he had obtained Jeewan Policy from LIC, NSC from the Post Office and had Bank Deposits, RD Accounts and saving accounts. Surjit Singh accused, who is father of Surpreet Singh, in the month of December 2006, has taken amount of LIC Policy and did not give the same to complainant's daughter and grand daughter and misappropriated the same. There was another policy in ICICI Prudential Company amounting to ₹2 lacs and nomination was in the name of Asleen Kaur but Surjit Singh and Pushpinder Kaur applied for taking the money and requested not to disburse the same in favour of Asleen Kaur but the company wrote that they will money to Asleen Kaur. Then they prepared a forged Will of Surpreet Singh and applied for stay in the Court and an FIR No.83 of 2009 was registered after a detailed enquiry regarding the forged Will. Another FIR No.27/2008 for taking money by Pushpinder Kaur by showing Surpreet Singh as unmarried, has also been registered. It is also stated by the complainant in

the Bank officials, has encashed two cheques from the saving account No.55031622712 from State Bank of Patiala, after the death of Surpreet Singh i.e. Cheque No.514145 dated 10.11.2006 amounting to ₹40,000/- and cheque No.514146 dated 25.10.2007 amounting to ₹12,000/-. On these allegations regarding encashment of the cheques, the present FIR has been registered.

During enquiry, it was found that cheque No.514145 amounting to ₹40,000/- was got encashed by Manjinder Kaur daughter of Surjit Singh on 10.11.2006 and cheque No.514146 amounting to ₹12,000/- was got encashed by Bodh Raj, servant of Surjit Singh on 25.10.2007. The perusal of the FIR itself shows that one of the cheque was got encashed by Bodh Raj on 25.10.2007 and other cheque by Manjinder Kaur. The present petitioner Surjit Singh has not withdrawn any amount by giving cheques in question, which are the base of registration of the present FIR. Qua other allegations, separate FIRs have already been registered. The petitioner Surjit Singh is, in no way, the beneficiary of the cheque amounts in question. Furthermore, there is no allegation that cheques are having forged signatures of Surpreet Singh.

Further, I find that even if it is taken that Manjinder Kaur has withdrawn ₹40,000/- after the death of Surpreet Singh, then there is no illegality. If any cheque is given by a person to another person when he is alive and if that cheque is encashed after the death of the person who issued the cheque, no offence is made out unless it is shown that the cheque is forged one or signatures have been forged. Therefore, even on the face of it, Manjinder Kaur has also not committed any offence by getting encashed the

cheque in question.

The present petition has been filed by Surjit Singh and Manjinder Kaur. In view of the above discussion, I find that no case is made out against the present petitioners.

Therefore, finding merit in the present petition, the same is allowed. FIR No.26 dated 05.03.2012 under Sections 420, 467, 468, 471 IPC registered at Police Station 'B' Division, Amritsar, charge-sheet dated 05.03.2012, impugned judgment dated 27.04.2015 passed by learned Addl. Sessions Judge, Amritsar and all subsequent proceedings arising therefrom, are hereby quashed qua petitioners.

September 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No