

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

CRM-M No.25569 of 2015

Date of decision: 30th May, 2016

Mange Ram and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ravinder Malik, Advocate for the petitioners.
Mr. Munish Sharma, Asstt. Advocate General, Haryana
for respondent No.1.
Mr. Vimal Singh, Advocate for respondent No.2.

FATEH DEEP SINGH, J.

Petitioners Mange Ram, Karnail Singh, Vinod Kumar, Babbar Singh and Mushtak Ali have all filed this joint petition under Section 482 Cr.P.C. for quashing of FIR No.70 dated 10.05.2010 (Annexure P1) under Sections 420/120-B/218/467/468/471 IPC registered at Police Station Bilaspur, District Yamuna Nagar on the basis of an affidavit dated 15.05.2015 (Annexure P2). Parties were directed to appear before the trial Court to get their statements recorded regarding this compromise. From the report dated 16.10.2015 of SDJM, Bilaspur, Yamuna Nagar it bears out that only complainant Kuldeep Singh had

appeared before the learned Magistrate to vouch for this compromise and has placed reliance on certified copy Ex.PA, Ex.CX order and Ex.PB but none of the petitioners had appeared before the Court in support of the same.

Heard Mr. Ravinder Malik, Advocate for the petitioners; Mr. Munish Sharma, Asstt. Advocate General, Haryana for respondent No.1 and Mr. Vimal Singh, Advocate for respondent No.2.

The facts that needs to be recapitulated are that one Risal Singh underwent marriage with Somi Devi out of which wedlock the couple did not have any offspring. The couple adopted one Dilbag Singh grandson of Rikhi Ram. Risal Singh was owner of 107 Kanals and 9 Marlas of land and a house wherein his adopted son Dilbag Singh used to reside. Allegations are that on 21.09.2009 Risal Singh executed a Will in respect of his entire estate in favour of his adopted son Dilbag Singh and wife Somi Devi by virtue of which 16 Kanals of land was bequeathed to Somi Devi and remaining land to Dilbag Singh. Admittedly Risal Singh died on 01.03.2009.

The allegations are that upon the death of Risal Singh, accused Vinod Kumar, Karnail Singh, Mange Ram, Babbar Singh and Mustak Ali hatched a conspiracy and in furtherance of the same deceived Somi Devi who was a Simpleton and after bringing her from her village Danda (HP) on the pretext that mutation of inheritance of her

late husband was to be made and on 23.03.2009 instead under deception got a sale deed executed of her entire portion of land which she had inherited from her husband. Sale deed was got executed in favour of Rekha Rani wife of Vinod Kumar, Usha Devi wife of Karnail Singh and Bina Devi wife of Mange Ram resulting in due sanction of mutation on 25.03.2009 from Tehsildar Bilaspur. When Somi Devi discovered all this fraud, the accused paid ₹19,80,000 to her brother Sohan Singh and at that time Dilbag Singh was a minor. The matter was reported to the police by present complainant Kuldeep Singh. Thus, from it all reflects that the real victims of this crime are Somi Devi and Dilbag Singh, the widow and the adopted son of deceased owner Risal Singh. Kuldeep Singh complainant by his complaint had only set the law into motion and his locus standi to unilaterally enter into a compromise and settle the dispute is totally unfounded and illegitimate. The documents that are sought to be relied by way of Ex.CX and Ex.PB certainly cannot be acted upon by this Court firstly on the ground that the victims who are real sufferers have not come up before the Court to vouch for this compromise and secondly that the adopted son Dilbag Singh at the relevant time was a minor.

Keeping in view that all the parties to this compromise have not reiterated the compromise before the Court of law together with the intricacies involved over the property when one of the beneficiaries is a

minor, are matters which weigh heavily in the mind of the Court and the same cannot be accepted.

The petition being hopelessly devoid of merits, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 30, 2016
rps