

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

**CRM No.M-33611 of 2014 (O&M)
Date of Decision: August 16, 2016**

Rupinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Dr.Anmol Rattan Singh, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.05 dated 04.01.2013 under Sections 419, 465, 467, 468, 471 and 120-B IPC registered at Police Station Hathur, District Ludhiana(R) as well as order dated 11.11.2013 passed by learned Judicial Magistrate Ist Class, Jagraon, vide which the petitioner has been wrongly declared as Proclaimed Offender.

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

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

From the record, I find that in the present case, FIR is stated to

be registered on 04.01.2013. The present petitioner, as argued, left the

country in May 2011 and never came back. Thereafter, he was declared as Proclaimed Offender. Learned counsel for the petitioner further argued that as the petitioner was not personally served nor there was any evidence on the record to show that he was having any knowledge of the registration of the FIR, therefore, he was wrongly declared as Proclaimed Offender by the Court.

I find that there is nothing on the record that present petitioner has intentionally avoided the proceedings or he has any knowledge regarding the FIR. Therefore, the order dated 11.11.2013 passed by learned JMIC, Jagraon, declaring the petitioner as Proclaimed Offender is set aside and the petition qua that is accepted.

As regarding the quashing of the FIR, I find that, the FIR was lodged against Karamjeet Kaur daughter of Didar Singh on a complaint made by one Karamjeet Kaur wife of Bhagwan Singh. As per the FIR, plot No.C-961, Sushant Lok-I, Gurgaon was purchased by the complainant for ₹1,60,000/- from Sh.Manmohan Lal Sharma. The payment was made by four demand drafts of ₹40,000/- each and after completing all the necessary formalities prescribed by the Promoter Company known as M/s Ansal Properties & Industries Ltd., this plot was transferred in the name of the complainant on 21.10.1991. The Promoter Company however continued in full and absolute possession of the said plot which was to be handed over to the complainant only after sale deed/conveyance deed. It is also in the FIR that the complainant Karamjeet Kaur wife of Bhagwan Singh came to know on 03.12.2012, when she received the envelop, that the request made by her vide letter dated 30.11.2011 was responded back by the company on

Mr.Harbhagwan Singh Sandhu. The complainant got extremely distressed and shocked to read the contents of the letter dated 12.04.2012 in which it has been stated that the sale deed of plot in question has already registered in her favour on 05.09.2005 vide Vasika No.11191 dated 05.09.2005 with the Sub-Registrar, Gurgaon. The perusal of the said sale deed shows that it has been fraudulently executed in favour of Karamjeet Kaur daughter of Didar Singh, village Pherurain, Tehsil Jagraon, District Ludhiana.

It is also stated that on further enquiry, the complainant found that at the time of executing the alleged sale deed on 05.09.2005, Karamjeet Kaur was actually married to one Rupinder Singh. The complainant is the daughter of Gurtej Singh and the name of her husband is Harbhagwan Singh Sandhu. It is also stated that there is connivance of Karamjeet Kaur wife of Rupinder Singh with Promoter Company so as to get the said plot fraudulently in her name. Accused Karamjeet Kaur further given a General Power of Attorney in favour of her husband Rupinder Singh on 07.09.2005. It is further stated that Rupinder Singh has obtained the possession of the said plot from the Promoter Company on the basis of GPA given by his wife Karamjeet Kaur on 07.09.2005. Karamjeet Kaur has given another General Power of Attorney one one Raj Kumar Baid, Director of M/s East Realtors Pvt. Ltd. on 04.05.2006. It is further stated that Karamjeet Kaur accused through GPA Raj Kumar Baid sold the plot in question to one Sandeep Gulla, who was one of the employees of Promoter Company at that point of time and Sandeep Gulla further sold that plot on 09.05.2006 to Amit Jain and Ashish Jain.

Learned counsel for the petitioner argued that allegations as per

has been executed by Karamjeet Kaur co-accused in his favour on 07.09.2005. Learned counsel for the petitioner also argued that at that time i.e on 07.09.2005, the petitioner was not married with Karamjeet Kaur co-accused. He married to Karamjeet Kaur on 16.01.2007. He next argued that even if it is taken that petitioner acted on behalf of the co-accused as GPA holder, he cannot be held liable as he is not the beneficiary in any way. It is further argued that another GPA has been executed by accused Karamjeet Kaur in favour of Raj Kumar Baid, who sold the plot. It is next argued by learned counsel for the petitioner that GPA in favour of petitioner was executed on 07.09.2005 and another GPA was executed in favour of Raj Kumar Baid on 04.05.2006 and after that, the plot in question was sold after 04.05.2006. When the plot in question was sold, the present petitioner has no concern with the dispute. In the present case, the FIR was registered on 04.01.2013 and there is nothing on the record to show that petitioner is involved, in any way, in the present case or has committed any offence.

Learned counsel for the petitioner further contended that the petitioner has already left the country in May 2011 and furthermore, now he has also no matrimonial relation with co-accused Karamjeet Kaur. Learned counsel for the petitioner has also placed on record the photocopy of the marriage certificate showing the marriage of the petitioner with co-accused Karamjeet Kaur on 16.01.2007, which was registered under the Hindu Marriage Act.

Keeping in view the above discussion and facts and circumstances of the present case, I find that the only allegation against the present petitioner is that he acted on behalf of Karamjeet Kaur co-accused

2006 when Karamjeet Kaur co-accused appointed another GPA namely Raj Kumar Baid, who sold the plot in question.

From the record, it is clear that present petitioner is not beneficiary. There is no cogent evidence on record except the allegation that petitioner was General Power of Attorney of Karamjeet Kaur and acted on behalf of Karamjeet Kaur while transferring the plot in favour of co-accused Karamjeet Kaur. As per the photocopy of the marriage certificate, placed on the record, the marriage of the present petitioner was solemnized with co-accused Karamjeet Kaur in the year 2007. The present petitioner, in the FIR, has been shown as husband of Karamjeet Kaur at that time i.e. in the year 2005. There is nothing to show that present petitioner is beneficiary or played any role after transferring of the plot in favour of Karamjeet Kaur being her Attorney.

In view of the above discussion, I find that no offence is made out against the present petitioner and the lodging of the FIR and subsequent proceedings against him, are nothing but abuse of process of law.

Therefore, finding merit in the present petition, the same is allowed.

FIR No.05 dated 04.01.2013 under Sections 419, 465, 467, 468, 471 and 120-B IPC registered at Police Station Hathur, District Ludhiana(R) and all subsequent proceedings arising therefrom qua present petitioner, are hereby quashed.

August 16, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No