

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

CRM-M-34697-2016

Date of decision-28.09.2016

Anand Parkash

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of criminal complaint No.36 RBT dated 07.09.2012 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471 and 120-B of Indian Penal Code (in short 'IPC') which is pending before the learned Judicial Magistrate First Class, Rewari and summoning order dated 11.06.2015 (Annexure P-2) whereby the petitioner has been summoned for facing trial under Sections 420, 465, 467 and 471 of IPC.

In brief, respondent No.2 filed complaint against the petitioner on the allegations that the petitioner fraudulently prepared a BPL card in his name and availed the benefits to which he was not entitled. The petitioner is a police official in Delhi Police.

It is contended by learned counsel for the petitioner that originally, the complainant was the uncle of the petitioner. After his death, the complaint is being persuaded by his wife, Dhanno Devi, who is aunt of the petitioner. The photograph of the petitioner was in possession of the complainant and the complainant by misusing that photograph had himself

prepared the BPL card. Earlier a dispute qua ancestral property was pending between the parties. The present complaint is nothing but a ploy to pressurize the petitioner to compromise the matter.

Heard.

In the instant case, the petitioner has challenged the complaint and summoning order. Prima facie, the allegations of forgery are made out against the petitioner. However, the petitioner in the instant case denies the factum of preparation of BPL card by him and states that the same has been prepared by the complainant himself. The disputed questions of fact cannot be decided in the present petition. The same shall be decided after evidence is adduced by both the parties. This Court at this stage cannot adjudicate upon the veracity of the BPL card and at this preliminary stage, this Court is not to go into truthfulness or the falsity of the allegations. Only prima facie case is to be seen for the purpose of summoning the accused. In the instant case, this Court feels that there is prima facie ample evidence to summon the petitioner.

Consequently, the petition stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

September 28, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No

