

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM No.M-38407 of 2012 (O&M)  
Date of decision: April 05, 2016.

Tripta Kumari and another

... **Petitioners**

v.

Jaswinder Singh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. H.S. Gill, Sr. Advocate with  
Mr. KBS Mann, Advocate for the petitioner.

Mr. Paramvir Singh, Advocate for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J.** (Oral):

Present petition seeking quashing of criminal complaint No.24/1/12 dated 7.5.2011, titled as 'Jaswinder Singh v/s Tripta Kumari and others' filed under Sections 420, 423, 199, 200 IPC as well as the summoning order dated 25.7.2012 and consequential proceedings, pending in the court of learned Judicial Magistrate First Class, Jalandhar.

In the nutshell, it comes out from the facts that the complainant is a co-sharer with accused No.1 & 2. While tracing the history of succession, it is stated in the complaint that accused No.1 and 2 sold the land beyond their share to accused No.3 and made a wrong recital in the sale deed that there is no litigation pending regarding the said land. According to the complainant, regarding the said land, litigation was pending and the complainant was also co-sharer and that some of his share, equivalent to 16 marlas, has also been sold through the sale deed.

I am of the view that the alleged act does not make out any criminal offence. If one of the co-sharer sold the land beyond his share, the buyer will not get any title to that extent. If some recital is made, even then the buyer is the affected party. The complainant, by no stretch of imagination, is affected by said recital and sale beyond the share of the seller will not create any title in favour of the buyer. In this case, buyer Sukhbir Kaur has also been arrayed as an accused on the ground that she has not objected to the said sale deed beyond the share of the seller. It being so, the present proceeding is nothing but misuse of the process of the court. Consequently, the criminal complaint, along with the summoning order and consequential proceedings, stands quashed.

The petition is accordingly allowed.

April 05, 2016.  
*kadyan*

**[ Kuldip Singh ]**  
**Judge**