

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
212**

**CRM-A-2155-MA-2017 &
CRM-35736-2017
Date of decision: 22.11.2017**

Dev Singh

...APPELLANT

VERSUS

Baljit Singh and others

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Mohinder Singh Joshi, Advocate,
for the appellant.

**M.M.S.BEDI, J. (ORAL)
CRM-35736-2017**

Misc. application is allowed. Filing of certified copy of Annexure P-1 is dispensed with and photocopy/typed copy of the same is taken on record.

CRM-A-2155-MA-2017

Appellant Dev Singh has preferred this appeal against acquittal of Baljit Singh and others in a private complaint filed under Sections 420/467/468/471/120-B read with Section 34 IPC on the allegation that they had forged a Will dated 08.04.2006 registered on 14.11.2007 to grab the property of Kamla Rani in connivance with each other . The said Will is in favour of respondent No. 1-Baljit Singh and his wife Karamjit Kaur. Yog Raj and Ved Parkash, respondents No. 3 and 4 respectively are the attesting witnesses of the Will whereas Gian Singh-respondent No. 5 is the witness, who had identified the attesting witnesses at the time of registration of the Will.

The main contention of the learned counsel for the appellant is that the Will was produced before the revenue authority but the same has not been relied upon. He has urged that the offence under Section 463/471

IPC has been committed by producing a forged Will before the revenue authority as well as before the Civil Court.

We have heard the counsel for the appellant and are of the opinion that the offence is alleged against the respondents under Section 471 IPC i.e. user of the forged and fabricated document in the Court. Section 195 (1) (b) (ii) IPC provides that no Court shall take cognizance of any offence described in Section 463 except on the complaint in writing of that Court where the forged document has been produced. Even otherwise, the lower Court has considered the merits of the case and arrived at a conclusion that even if there had not been any Will, respondent No. 1 would have inherited the property as per Section 15 (2) (b) of the Hindu Succession Act, 1956. As such, there is no reason for the respondents to forge the Will and produce before the mutation proceedings. The Court below has observed that it is not the case of the complainant that the brothers of Baljit Singh, namely, Amrik Singh, Hardip Singh and Gurmeet Singh, since deceased, who were also to inherit the estate of Kamla Devi, deceased, along with Baljit Singh had any grievance against Baljit Singh on account of execution of the Will dated 08.04.2006.

In view of the above circumstances, we do not find any ground to interfere in the judgment passed by the Court below. Therefore, the appeal is dismissed.

(M.M.S.BEDI)
JUDGE

November 22, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No