

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

CRM No.M-10409 of 2017 (O&M)

Date of Decision: July 18, 2017

Samuel Masih

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.S.Dhindsa, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 15.09.2015 passed by learned Judicial Magistrate Ist Class, Moga, vide which the complaint filed by the petitioner was dismissed and order dated 03.01.2017 passed by learned Addl. Sessions Judge, Moga, vide which revision filed by the petitioner was also dismissed.

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

From the record, I find that petitioner Samuel Masih filed a complaint against Kanta Rani and other accused under Sections 420, 465, 467, 468, 471 and 120-B IPC. The main allegations in the complaint are that father of the complainant Sarwan Masih was owner of house measuring 12 marlas. Sarwan Masih purchased the house from Kanta Rani in the year

Will dated 27.01.1997 bequeathing his house measuring 12 marlas, out of which 7 marlas was given to complainant and 5 marlas to accused Kanta Rani, sister of the complainant. Father of the complainant died on 12.01.2001. The complainant had given 7 marlas of his share to his sister Kanta Rani and her husband Emenual Masih for maintenance of the portion of the house. After some time, complainant came to know that his sister Kanta Rani with the help of accused No.3, fabricated some unregistered Will in her favour etc.

Learned JMIC, Moga, on the basis of preliminary evidence, dismissed the complainant vide order dated 15.09.2015. A revision was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Moga, vide order dated 03.01.2017.

Aggrieved from the above-said orders, present petition has been filed.

The perusal of the orders passed by both the Courts below shows that these have been passed as per evidence and law. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below. In no way, the impugned orders can be held as perverse or illegal.

The perusal of the record shows that petitioner is alleging one Will in his favour and as per the petitioner one Will has been fabricated by Kanta Rani. There is no finding so far by the Civil Court qua the validity of any of the Will. Furthermore, no expert has been examined to show that Will in favour of Kanta Rani is forged one. No Will in favour of Kanta Rani has been produced on the record.

Further, from the record, I find that it is in the complaint that

accused No.3 had fabricated some documents and issued letter of allotment to Kanta Rani but no evidence has been produced that which documents have been fabricated by the above-said accused nor letter has been placed on the record. There are only bald allegations against the accused which are not sufficient to summon the accused.

In view of the above, I find that the orders passed by the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

July 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No