

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

**CRM No.M-12908 of 2015 (O&M)
Date of Decision: February 22, 2017**

Jasmeet Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.S.Hundal, Senior Advocate with
Mr.Jashandeep Singh, Advocate
for the petitioners.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Narender Pal Bhardwaj, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C.
for quashing of FIR No.66/2014 dated 09.03.2014 under Sections 420, 467,
468 and 471 IPC (Section 120-B added later on), registered at Police Station
Parao, Ambala Cantt., District Ambala and subsequent proceedings thereof.

Notice of motion was issued and learned State counsel as well
as learned counsel for respondent No.2 appeared and contested the petition.

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

From the record, I find that in the present case, FIR has been

registered on the basis of written complaint made by Ravinder Singh against Paramjit Kaur. It is mainly stated that complainant is absolute owner of land measuring 16 kanals. He never agreed to sell the land to anybody. Accused Paramjit Kaur joined hand with her husband and obtained NOC for 2 acres of land vide memo 2683 dated 09.12.2013. The complainant had never given affidavit attached with the application for NOC. It is further stated that on the draft of the sale deed, complainant's signatures were forged and the said NOC for 2 acres of land has been obtained by using those forged documents.

At the time of arguments, it has been brought to the notice of this Court that a compromise has been effected in civil proceedings, where the complainant agreed to sell 8 kanals of land to Paramjit Kaur. It has also been brought to the notice of this Court that to execute the Award passed by the Lok Adalat on the basis of the compromise, the execution was filed and learned Civil Court in the execution, by appointing Local Commissioner, got executed the sale deed in favour of Paramjit Kaur qua 8 kanals of land.

It is finding of fact whether the accused gave the affidavit after forging signatures of the complainant and also gave the application and draft sale deed attached with that application to the authorities to get the NOC. In this case, after investigation, challan has already been presented, charges have already been framed and the case is fixed for evidence of the prosecution. The trial Court has already taken the cognizance.

Learned counsel for the petitioners argued that even if it is taken that NOC has been obtained by forging the signatures, even then, no offence is made out. He also argued that report of the Handwriting and

forged. As already discussed, these facts are to be determined by the trial Court on the basis of the evidence.

Learned trial Court has already found prima facie case against the accused-petitioners. Further, it is for the trial Court to see whether it amounts to cheating or forgery of valuable security etc. or it is to be treated as an attempt to commit forgery or cheating. In no way, from the record, it can be held that no offence is made out.

In view of the above discussion, it cannot be held that registration of the FIR in the present case amounts to abuse of process of law and miscarriage of justice.

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

However, nothing stated above, shall constitute my opinion on the merits of the case and the above findings have been given for deciding the present petition only.

February 22, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No