

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

CRM No.M-13312 of 2017 (O&M)

Date of Decision: May 05, 2017

Suman Jain

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.S.Virdi, Advocate
for the petitioner.

INDERJIT SINGH, J.

CRM No.14634 of 2017

The application is allowed subject to all just exceptions.

Annexures P-1 to P-5 are taken on record.

CRM No.M-13312 of 2017

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 02.11.2015 passed by learned Chief Judicial Magistrate, Ropar, vide which complaint titled as 'Suman Jain vs. Ravi Kiran and another' filed by the petitioner under Sections 420, 193, 199, 200, 463, 464, 465, 467, 405, 406, 471 and 120-B IPC, was dismissed and also the order dated 02.02.2017 passed by learned Sessions Judge, Ropar, vide which the 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 Suman Jain complainant filed a complaint under Sections 420, 193, 199, 200, 463, 464, 465, 467, 405, 406, 471 and 120-B IPC. The brief facts of the complaint as noted in the order passed by learned CJM, Ropar, are as under:-

“Complainant vide this complaint is seeking the summoning of accused on the basis of allegations that there was a partnership deed between accused no. 2 and husband of complainant and they purchased three properties vide sale deed dated 6.6.1989, dated 24.7.1989 and dated 1.8.1989 and the said entire properties was merged into one shop cum house double story and the municipal committee has allotted one compact No. B-8-2295. The complainant and accused no.1 raised construction on the property in question and now a double story shop cum house is there. After purchasing of the property and raising of construction in the month of December,1999 accused no.2 got the signatures of complainant on blank paper under the pretext that her name has to be entered in the municipal record being owner of the property and her signatures were obtained in the presence of her brother in law Ravinder Kumar Jain, sister in law Ravi Kiran Jain and Harmesh Kumar Jain husband of complainant. After some time the relation between the two brothers become strained and ultimately both the parties separated their business. The partnership deed was dissolved vide dissolution deed dated 1.4.2000. Ravi Kiran Jain respondent no.1 deposited building fees in the office of Municipal Committee on 18.9.2001 and after that on 19.9.2001 she moved application before the Municipal Committee Rupnagar for transfer of property in her name and in the month of March, 2006 complainant came to know that accused no.1 is going to alienate/sell the share of complainant in the property in question then complainant made inquiry and came to know that accused no.1 and accused no.2 with common intention got entire property in the name of Ravi Kiran Jain and the property has been entered in her name on the basis of affidavit dated 31.8.2000. It is alleged by the complainant that said affidavit dated 31.8.2000 is forged and fabricated document and the document expert has also given his observation regarding the forgery of the said affidavit. It is further averred that the SDM, Ropar during inquiry regarding the change of ownership of the shop in illegal manner in the municipal record gave the verdict that Smt. Suman Jain got the half share of the property in her favour in an illegal manner and he cancelled the change of ownership. It is further alleged that thereafter a false complaint regarding the same property has been filed by accused no.1 against the complainant in which the complainant had to appear before the court. Thus the

complainant has sum up that accused after entering into criminal conspiracy dishonestly and fraudulently had made/prepared false and fabricated affidavit containing false assertions which they knew and believe to be the false and accused have converted the same into valuable security and corruptly used the said document as true and genuine which they knew to be false and fabricated on material points, with intention to commit fraud and cheating so they be summoned accordingly.”

In preliminary evidence, complainant examined herself as CW-

1. She also examined CW-2 Devinder Parshad, Document Expert, who only proved his report.

Learned CJM, Ropar, vide impugned order dated 02.11.2015 dismissed the complaint. A revision was filed by the petitioner and learned Sessions Judge, Ropar, dismissed the same vide order dated 02.02.2017.

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

From the record, I find that in the orders passed by both the Courts below, concurrent findings have been given, which are correct as per evidence and law. Nothing has been pointed out as to how these orders are perverse or against the evidence or 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.

First of all, statement of CW-1 is not supported by any other witness. CW-2 Devinder Parshad, Document Expert has simply given the report that signatures were already there on the paper and the contents have been typed later on. The signatures were taken in the year 1999 and the name of accused No.2 has been entered in the municipal record being owner of the property. As per the version given by the complainant in the

complaint, the partnership deed was dissolved vide desolation deed dated 1.4.2000. Ravi Kiran Jain deposited building fees in the office of Municipal Committee on 18.09.2001 and after that on 19.09.2001 she moved application before the Municipal Committee Rupnagar for transfer of property in her name and in the month of March, 2006 complainant came to know that accused no.1 is going to alienate/sell the share of complainant in the property in question. Learned trial Court held that the complainant was knowing regarding the transfer of the property in the name of accused No.2 in the year 2001 when the building fees was deposited, at the most in the year 2006 but why the complainant kept silent till 2013 when this complaint was filed.

Secondly, I find that even entries in the municipal record are made only for the purpose of house tax. The entries in the house tax register etc. in no way, can be held as document of title. Furthermore, as per report of the Expert, it is only that signatures of the complainant were already there and body was typed later on. It is only an opinion. There is nothing to support the oral statement of the complainant that the signatures were taken on the blank paper.

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

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

May 05, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No