

CRM-M-20396 of 2017

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

CRM-M-20396 of 2017
Date of Decision: 17.07.2017

Kulwant Kaur and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ravi Chadda, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

In the instant petition under Section 482 Cr.P.C., quashing of FIR No.306 dated 21.12.2015 (Annexure P-1) under Sections 420, 465, 467, 471, 120-B IPC registered at Police Station Dasuya, District Hoshiarpur; final report under Section 173 Cr.P.C. (Annexure P-2) and charge-sheet dated 04.05.2017 (Annexure P-5) is sought.

As per the allegations in the aforesaid FIR, father of complainant Parvinder Kaur, namely, Mahinder Singh died on 23.09.2006. Thereafter, mother of the complainant, namely, Manjit Kaur developed illicit relations with one Joginder Singh resident of Gorshian, Tehsil Dasuya, District Hoshiarpur, and finally started living with him by severing all the relations with her children (complainant and respondents No.2 and 3 herein). Mother of the complainant also sold the entire property left by her husband

Mahinder Singh illegally and fraudulently by preparing fake certificates and

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forging the signatures of her children. Petitioners have also fraudulently purchased the property from their mother Manjit Kaur. Complainant and her brothers, being legal heirs of Mahinder Singh, are facing great hardships in their day-to-day life on account of non-fulfilment of her obligations towards them by their mother.

Learned counsel for the petitioners contends that the petitioners are *bona fide* purchasers of the property in question after payment of valuable consideration. They have been falsely implicated in the present case. No case against the petitioners under Sections 420, 465, 467, 471, 120-B IPC is made out. Though admittedly charge has been framed, but still the impugned FIR can be quashed. In support of his submissions, learned counsel for the petitioners relies upon the judgment of this Court in ***G.V. Bhaskar Rao and others v. State of Punjab and another***, 2013(1) R.C.R.(Criminal) 841.

Heard.

Petitioners have been charge-sheeted vide order dated 04.05.2017 (Annexure P-5) under Sections 420, 465, 467, 471, 120-B IPC with the charges that they in connivance with Manjit Kaur forged the birth certificate of Gurwinder Singh showing him as major and got executed sale deed dated 28.10.2014. The trial is going on against them. In such circumstances, FIR, final report and charge-sheet cannot be quashed.

The facts and circumstances of the instant case are distinguishable from the facts and circumstances of ***G.V. Bhaskar Rao's*** case (supra) because in that case civil dispute was given colour of criminal dispute by registering FIR. Simultaneously, civil Court was also approached for rendition of accounts. In such circumstances, FIR was quashed. Whereas

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there are no such circumstances in the present case.

In view of above, no ground for quashing the aforesaid FIR, final report and charge-sheet, is made out.

Dismissed.

Copy of this order be sent to the trial Court.

July 17, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No