

CRM-M-36221-2016

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

CRM-M-36221-2016 (O & M)

Date of Decision: 19.12.2017

Ramesh Mahajan

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vishal Rattan Lamba, Advocate,
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. J.S.Thakur, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioner-Ramesh Mahajan has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 against respondents- State of Punjab and Jaspal Singh Sandhu seeking quashing of FIR No.30 dated 14.02.2015 (Annexure P-1), registered at Police Station Navi Baradari, Jalandhar City, under Sections 420 and 120-B of the Indian Penal Code, challan dated 30.06.2015 (Annexure P-9), order dated 05.03.2016 framing charge and charge-sheet (Annexure P-10 and P-11, respectively), order dated 03.08.2016 (Annexure P-13) passed by learned Additional Sessions Judge, Jalandhar to the extent of dismissing the revision filed by the petitioner and all other consequential proceedings pending before learned Judicial Magistrate Ist Class, Jalandhar, in the aforesaid FIR.

CRM-M-36221-2016

Notice of motion was issued. Learned State counsel put in appearance on behalf of respondent No.1 and respondent No.2 also appeared through his counsel. They contested this petition.

From the record, I find that in the present case, challan has been presented; even charges have been framed and two witnesses have already been examined.

Perusal of the FIR shows that it was registered on the application of complainant-respondent No.2, Jaspal Singh Sandhu. As per the FIR, the complainant, who is a retired Lt. Colonel, started living with his family in Jalandhar City after his retirement. Sh. Hargurchet Singh Sandhu, father of respondent No.2, had died in the year 2003. After the death of his father, respondent No.2 as well as his mother-Harbans Kaur and his sisters Rashpal Mahajan and Gurjet Sangha became the legal heirs of the property of his father. Petitioner, who is husband of Rashpal Mahajan, sister of respondent No.2, with an intention to grab the property of Harbans Kaur, forged and fabricated an application on behalf of Harbans Kaur and got a publication effected in newspaper 'The Tribune' dated 25.04.2004 declaring that she had disinherited complainant-respondent No.2 from all her movable and immovable properties. It is stated in the FIR that mother of respondent No.2 had never signed in English on any paper and her signatures have been forged and fabricated by Ramesh Mahajan (present petitioner). It is prayed that a strict action be taken against Ramesh Mahajan.

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

First of all, publication was published in the newspaper in the

CRM-M-36221-2016

year 2004 and the present FIR was got registered on 30.06.2015 i.e. after a long delay of more than 11 years. Secondly, I have gone through the vernacular of affidavit given by Smt. Harbans Kaur. The affidavit has been signed by Harbans Kaur in Punjabi as deponent. A specific query was asked to learned State counsel as to whether signatures in Punjabi on the affidavit as deponent by Smt. Harbans Kaur have been got compared to show that the said affidavit is fabricated one. Upon this, learned State counsel stated that neither the report of FSL has been called nor any handwriting expert has examined the signatures in Punjabi of Smt. Harbans Kaur. Therefore, without getting the signatures compared on the affidavit of Smt. Harbans Kaur disinheriting respondent No.2, this affidavit cannot be held prima facie as forged one. Only by comparing her signatures, this document can be shown as forged one. A civil suit is also pending regarding the Will of Harbans Kaur vide which respondent No.2 has been disinherited.

The only point raised before this Court that on the heading of vernacular of that affidavit, it is written in English as 'Harbans Kaur wife of late Lt. Col. Hargurchet Singh Sandhu' and it has been signed by petitioner-Ramesh Mahajan for the purpose of giving it for publication in the newspaper. The main document is the affidavit sworn by Smt. Harbans Kaur. Learned counsel for the petitioner stated that while giving the document for publication in the newspaper, the officials of the newspaper asked for signatures and the petitioner signed on the said affidavit for that purpose himself and not as Harbans Kaur. The vernacular of the affidavit has been seen and in no way, it can be held that the same is forged one. It cannot be held that Smt. Harbans Kaur has signed in English, rather name

CRM-M-36221-2016

has been written in English as Harbans Kaur, which is clear on the face of it. Otherwise also, there is no explanation of such a long delay of more than 11 years as to why the FIR has not been registered immediately on the publication of the newspaper disinheriting the complainant.

From the above, it is made clear that no cognizable offence is made out against the present petitioner and registration of the FIR by the complainant against the present petitioner is nothing, but abuse of process of law and amounts to miscarriage of justice. Therefore, finding merit in the present petition, the same is allowed. FIR No.30 dated 14.02.2015 (Annexure P-1) and all the subsequent proceedings arising therefrom are hereby quashed.

19.12.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No