

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1489-MA of 2015
Date of Decision : 03.07.2018

Paramjit Kaur

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE M.M.S. BEDI*
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. B.S. Baath, Advocate for the applicant.

M.M.S. Bedi, J.(Oral)

The present application has been preferred by the complainant, aggrieved by the dismissal of her complaint under Sections 302, 420, 467, 468, 471, 120-B read with Section 34 IPC against the private respondents, vide judgment dated 29.05.2015.

As per the allegations of the applicant-complainant, the accused persons had forged a Pattanama Ex. PA, Will Ex. PB and Sale deed dated 19.10.2005 purported to have been executed by Gurmeet Singh, husband of the applicant-complainant. The allegation of the complainant is that the accused-respondents No. 2 to 10 had conspired and killed her husband.

The lower Court after appreciation of evidence has arrived at a conclusion that the applicant-complainant was not having cordial relation with her husband and she has also filed civil litigation

pertaining to the above said documents. So far as the allegation of

murder or harassment by the private respondents is concerned, the lower Court on appreciation of evidence has arrived at a conclusion that Gurmeet Singh had died by falling from the Tractor, which had been driven by one Gurdev Singh and on the basis of oral version of applicant-complainant, the conviction order was not warranted.

Learned counsel for the applicant has submitted that on the basis of the evidence of Handwriting and Finger Print Expert, it is established that the Sale deed, Pattanama and the other documents were forged by the respondents-accused to defeat the rights of her deceased husband.

On asking of the Court, learned counsel for the applicant has informed that the applicant has inherited the rights in the property of her husband and the property of her husband stands mutated as per her rights. Learned counsel for the applicant has also submitted that after dismissal of the civil suit of the complainant by the civil Court and the appellate Court, second appeal is pending in the High court.

With the assistance of learned counsel for the applicant, we have gone through the judgment of lower Court.

Learned counsel for the applicant has made an attempt to satisfy this Court that the Will dated 02.06.1994 and the sale deed executed by her husband stand proved to be forged documents. He has got an apprehension that the observation made by the lower Court in the judgment of acquittal might prejudice the rights of the applicant in the civil proceedings.

After going through the entire judgment and the findings of the Court below, we are of the opinion that there is no scope of

interference in the order of acquittal passed by the lower Court. So far as the alleged culpability of the private respondents is concerned, we do not find any ground on re-appreciation of the evidence to convert the order of acquittal in to the order of conviction. No ground is made out for granting leave to appeal.

Application for leave to appeal is dismissed.

However, it is observed that dismissal of the complaint vide impugned judgment dated 29.05.2015 and dismissal of the present appeal against acquittal will not in any manner prejudice the rights of the applicant-complainant in any civil proceeding or any proceeding pending before this Court or any other authority including the revenue authorities.

(M.M.S. BEDI)
JUDGE

July 03, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*