

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc.A-244-MA of 2017

Date of Decision : November 02, 2018

Kehar Singh

....Applicant

VERSUS

Dhoom Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present : Mr. Ram Kumar Saini, Advocate
for the applicant.

T.P.S. MANN, J.

The complainant has filed the present application under Section 378(4) read with Section 482 Cr.P.C. for grant of leave to appeal against the judgment dated 16.12.2016 passed by learned Judicial Magistrate 1st Class, Naraingarh whereby Dhoom Singh and Narpal Singh, sons of Mehar Singh, respondents No.1 and 2, herein, were acquitted of the charges under Sections 420, 467, 468 and 471 read with Section 120-B IPC.

According to the complainant, the accused, in conspiracy with each other, had filed a civil suit and obtained a decree in which they impersonated as Arjun Singh and filed a forged and fabricated compromise. Though there was an order of stay regarding the proceedings of the revenue Court yet the accused procured mutation in their favour in respect of suit property of such suit. In the proceedings under Section 13 of the Punjab Village Common Lands (Regulation) Act,

1961 the accused moved an application wherein they claimed themselves to be the sons of Bir Singh whereas they were the sons of Mehar Singh.

At the trial, the complainant himself appeared as CW5 and produced Mewa Singh, DRK, Deputy Collector's Office, Ambala as CW1, Ram Pal, Halqa Patwari as CW2, Surinder Kumar, Clerk, Office of SDM, Naraingarh as CW3 and Ramesh Kumar, Reader to the Naib Tehsildar/Assistant Collector, Grade-II as CW4.

After going through the evidence, the learned trial Court came to the conclusion that there was no merit in the complaint and, accordingly, the accused were acquitted of the charge framed against them.

Having heard learned counsel for the applicant and on going through the impugned order, this Court finds that in order to substantiate his case, the complainant claimed that the accused impersonated for Arjun Singh, affixed incorrect thumb-impression on the compromise and used the compromise to procure the Court decree dated 29.11.1986. On the other hand, the accused placed on record copy of the order dated 17.3.1994 in the civil suit filed by the complainant and his brother Dharma against the accused bearing No.719 dated 14.12.1993 wherein Arjun Singh admitted the decree dated 29.11.1986 in Civil Suit No.29 dated 13.6.1986. It was a consent decree based upon the compromise executed by him with the accused. That would show that none had impersonated for Arjun Singh. Rather,

it was Arjun Singh himself who had appeared before the civil Court and admitted the decree dated 29.11.1986.

In order to challenge the decree dated 29.11.1986 on the ground of impersonation, forged, cheating, etc., the complainant's brother Dharma filed civil suit bearing No.1323 of 2004 which was dismissed on 30.11.2011. In the said civil suit, the complainant was arrayed as defendant No.3 and duly represented by his advocate. The judgment dated 30.11.2011 was challenged in appeal but the same was dismissed on 15.12.2014.

When Arjun Singh had himself appeared before the civil Court and admitted the decree dated 29.11.1986 having been passed with his consent in view of the compromise, the allegations levelled by the complainant are meaningless.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal passed by the learned trial Court.

The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

**(T.P.S. MANN)
JUDGE**

**(HARSIMRAN SINGH SETHI)
JUDGE**

November 02, 2018
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO