

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

CRM-M-13699-2018(O&M)
Date of decision:-15.5.2018

Partap Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Vaibhav Narang, Advocate
for the petitioners.

H.S. MADAAN, J.

CRM-17694-2018

This is an application for placing on record correct copy of FIR No.34 dated 14.3.2015. The petition in question arises out of FIR No.73 dated 6.4.2017, copy of which has already been attached with the main petition as Annexure P-3. As regards placing on file the written arguments of petitioners, the petitioners are being represented by their counsel, who had addressed arguments in detail on 8.5.2018. Now the petitioners cannot be allowed to submit written arguments on their behalf in such a manner.

The application is, therefore, dismissed accordingly.

CRM-M-13699-2018

This petition under Section 482 Cr.P.C. has been filed by

petitioners Partap Singh and Paramjit Kaur seeking quashing of order dated 5.12.2017 passed by learned Additional Sessions Judge, Amritsar vide which the revision petition filed by them has been dismissed as well as order dated 20.4.2017 passed by Sub Divisional Judicial Magistrate, Baba Bakala Sahib vide which the petitioners have been summoned under Section 319 Cr.P.C. as additional accused in case arising out of FIR No.73 dated 6.4.2017 for the offences under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Beas, District Amritsar Rural.

Briefly stated facts of the case are that Branch Manager, LIC, Branch Office Rayya had submitted a written complaint to Senior Superintendent of Police, Amritsar against Partap Singh, Paramjit Kaur and Gurwinder Singh Chahal, an agent of LIC stating therein that Partap Singh son of Ajit Singh, resident of Tehsil Baba Bakala had taken six life insurance policies on his life in which his wife Paramjit Kaur was nominee; that Paramjit Kaur had lodged death claim in respect of those policies with Rayya Branch of LIC stating that Partap Singh had died on 4.5.2013; that four policies had been settled at the level of Branch Office Rayya, whereas one policy for Rs.1 crore and another for Rs.10 lakhs were referred to Divisional Office at Amritsar; that a sum of Rs.92,62,160 was credited to the account of Paramjit Kaur with Amritsar Central Co-operative Bank Ltd., Branch Office, Wadala Kalan, Camp, Rayya on 22.5.2013 in the name of Paramjit Kaur wife of Partap Singh, whereas claim qua other five policies was credited in account of Paramjit Kaur with PNB Rayya; that Paramjit Kaur from those proceeds had taken fresh insurance on her life through Gurwinder Singh Chahal,

an agent, however, later on that policy was cancelled and amount returned and credited in joint account of Paramjit Kaur and Gurwinder Singh; that subsequently it came out that Partap Singh was alive and was working in his shop being run under the name and style of M/s Bhinder Karyana Shop village Butala, as such, a fraud had been played with LIC; that on realizing that they stood exposed, Gurwinder Singh immediately deposited two cheques with Branch Office, Rayya against full recovery of Rs.1,09,10,450/- but those cheques were dishonoured; that death certificate of Partap Singh was also found to be fake and some other documents came out to be forged and fabricated. After holding inquiry in the matter, the FIR was recorded and challan was presented against Rajpal Singh and Gurwinder Singh, whereas Partap Singh and Paramjit Kaur were kept in column No.2.

During trial, the prosecution moved an application under Section 319 Cr.P.C. for summoning of Paramjit Kaur and Partap Singh as additional accused, which was allowed by Sub Divisional Judicial Magistrate, Baba Bakala vide order dated 20.4.2017. In the said order learned Sub Divisional Judicial Magistrate, Baba Bakala has recorded that there is sufficient evidence to summon Partap Singh and Paramjit Kaur as additional accused.

The petitioner had filed a revision petition against that order, which was dismissed by learned Additional Sessions Judge, Amritsar upholding the order passed by Sub Divisional Judicial Magistrate, Baba Bakala, which left the petitioners aggrieved and they have filed the present petition.

I have heard learned counsel for the petitioners besides

going through the record.

Learned Additional Sessions Judge, Amritsar referring to the evidence available on the record has observed that prima facie it comes out that the revisionists were party to the faking of death certificate of Partap Singh and thereafter obtaining the death claim to the tune of Rs.1,09,10,450/- from the LIC and the entire evidence proved on record depicts that there is no perversity in the impugned summoning order.

I do not find any illegality or infirmity with the impugned order/judgment passed by the Courts below, which might have called for interference while exercising powers under Section 482 Cr.P.C.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

15.5.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No