

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

**Crl. Misc. No. M-27946 of 2018 (O&M)**

**Date of decision: July 31, 2018**

Savitri Devi

.... Petitioner

Versus

Kuldeep Singh

.... Respondent

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Arun Takhi, Advocate  
for the petitioner.

**SURINDER GUPTA, J.(Oral)**

Heard.

The petitioner has sought quashing of order dated 22.01.2018, 09.03.2018, 23.03.2018 and 05.06.2018 passed by Judicial Magistrate Ist Class, Chandigarh and Additional Sessions Judge, Chandigarh.

Learned counsel for the petitioner has not pressed this petition qua the order(s) dated 22.01.2018 and 09.03.2018. He has confined his submission only with regard to the order dated 23.03.2018 passed by JMIC/Chandigarh and dated 05.06.2018 passed by Additional Sessions Judge, Chandigarh, vide which the revision against the order dated 23.03.2018 was dismissed.

The petitioner vide application dated 28.02.2018 (Annexure P-5) sought direction to the complainant to give his specimen thumb impression for comparison with the original compromise and affidavit dated 06.04.2015. The petitioner also requested the Court to take handwriting of

accused/petitioner for comparison with the writing of cheque dated 30.11.2015, 30.03.2016 and 30.01.2016.

Learned counsel for the petitioner has confined his submission only with regard to first part of the order, whereby compromise and affidavit executed by the complainant/respondent was not allowed to be sent to fingerprint expert for comparison of thumb impression of complainant over these documents. He has not contested the dismissal of the application qua sending of cheque to handwriting expert to compare the writing of cheque with the specimen writing of the accused/petitioner.

Regarding the compromise and affidavit dated 06.04.2015, learned trial Court has observed that these documents are admitted and are not required to be sent to handwriting/fingerprint expert for report that these bear the thumb impression of complainant. The relevant observation of the trial Court is contained in para 3 are reproduced as follows:-

*“Arguments heard. File perused. On perusal of the application as well as the reply, it has been transpired that the present application has been filed on two grounds. First is that a compromise deed dated 6.4.2015 was entered into between accused and complainant. The accused wants to prove the signatures of complainant on the said compromise dated 6.4.2015, original affidavit dated 6.4.2015. Second ground is that though the signatures on the cheques in question is of accused but she did not fill up body of the cheque and accused wants to send the cheques in question also for the purpose of handwriting expert report to prove that body of cheques were not filled by her. Now as far as the first ground on the basis of which present application has been filed is concerned, it is necessary to mention that by filing the present application accused wants to examine specimen signatures of complainant to prove the signatures of complainant on original compromise*

*deed dated 6.4.2015 and original affidavit dated 6.4.2015. However, on perusal of the reply filed by complainant, it has been transpired that complainant has not denied his signatures on compromise deed and affidavit, both dated 6.4.2015. Even during arguments, counsel for complainant has submitted that complainant admits his signatures on the said compromise and affidavit dated 6.4.2015. Though it has been submitted by counsel for complainant that they were executed in some other context however the context of the affidavit or the compromise is not the subject matter of this application. At this stage, the matter is whether compromise and affidavit dated 6.4.2015 were signed by complainant or not. As the complainant has himself admitted his signatures on compromise and affidavit dated 6.4.2015, the court is of the considered view that there is no need to send the said documents for handwriting examination. Once the signatures on a document is admitted, there is no need to send for handwriting examination”.*

Learned counsel for the petitioner has argued that in reply to the application, the complainant has not specifically admitted the compromise and affidavit and the observations of the trial Court are against the reply filed by the respondent. He has supplied copy of the reply filed by the respondent and perusal of the same shows that the complainant has specifically mentioned that the affidavit dated 07.04.2015 has been executed separately by accused and complainant.

Even otherwise, learned counsel representing the complainant has stated at bar that the signatures on the compromise and affidavit are admitted. As such, the trial Court had no other option but to rely on the statement of learned counsel representing the complainant.

Once the thumb impression on the compromise and affidavit

are admitted, learned Courts below have rightly declined to send the same

for comparison. This petition has no merit and appears to have been filed either under some misconceptions or for some other motive.

Dismissed.

(SURINDER GUPTA)  
JUDGE

July 31, 2018  
*Jyoti-II*

***Whether speaking/reasoned: Yes/No***

***Whether Reportable: Yes/No***