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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3824-2018

Date of decision: 01.02.2018

Phoola @ Phool Kaur

..... Petitioner

Versus

Rajender

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present:- Mr. Jitesh Bhardwaj, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (ORAL)

Instant petition under section 482 Code of Criminal Procedure, 1973 has been preferred by the accused for quashing the impugned order dated 03.10.2017 (Annexure P/7) passed by learned Sub Divisional Magistrate as well as criminal complaint titled as '*Rajender versus Phoola @ Phool Kaur and others*' (Annexure P-6) under section 167,323,418,420,467,468,506,120-B of Indian Penal Code, 1860 (in short 'Code') on the ground, inter alia, that no offence is made out, thus, the order of summoning of the petitioner is illegal and arbitrary.

Other facts, necessary for the disposal of this petition, are that petitioner alongwith his associates had prepared false documents i.e. order of correction of khasra girdwari dated 30.09.2012 (Annexure P-3) at the time of inspection of the crop in connivance with the revenue officials. It is alleged that they had forged a notice dated 31.09.2012 and procured signatures of Om Parkash as well as on behalf of Partap Singh (father of the complainant) whereas said Om Parkash had already died on 21.08.2012 and that neither the complainant nor his father was present on the spot on that date. According to the complainant, the accused/petitioner by forging, the notice of correction of

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khasra girdwari had procured wrong order for correction of khasra girdwari, and thus, they had procured a false documents.

After recording the preliminary evidence, learned Sub Divisional Judicial Magistrate summoned the petitioner to face trial for the offences punishable under section 467, 471 of the Code.

Learned counsel for the petitioner has submitted that a bare perusal of the registered sale deed No. 6232 dated 18.12.2012 (produced today on the record of this court) transpires that exclusive possession of khasra no. 748 // 15 was already with the petitioner. But this argument is without substance. Even the vendor of the petitioner was joint owner out of the total land 130 kanal 2 marla consisting of khewat no. 3252 as per the jamabandi for the year 2002-2003. A bare perusal of the sale deed No. 6232 dated 18.12.2012 transpires that the petitioner purchased the joint share out of the total land i.e. 160/2602 share. Therefore, no question of exclusive possession arises in these circumstances. Apart from it, the notice has been issued on 31.09.2012 and in fact the month of September contains only thirty days. Contrary to it, order P-3 has been passed on 30.09.2012 i.e. a day earlier from the date of issuance of notice P-2. The sale deed produced before this Court came into existence on 18.12.2012 whereas correction was made on 30.09.2012.

In view of this, no case is made out to interfere into the impugned order. Hence, the present petition is dismissed.

01.02.2018

Harish Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No