

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

**Criminal Misc.No.M-3909 of 2018 (O&M)
Date of Decision : 30.01.2018**

Prithvi

..... Petitioner

Versus

Bajrang Sharma and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Ajay Kumar, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

Petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of order dated 16.01.2018, passed by the learned Judicial Magistrate Ist Class, Hisar, vide which the application filed by respondent No.1 for seeking the specimen signature of the petitioner-complainant for the purpose of comparison with his signatures on balance confirmation letter dated 07.03.2009 from Finger Print & Handwriting Expert, has been allowed.

Vide impugned order, the petitioner-complainant was directed to give his specimen signatures for comparing the same with his admitted signatures on bank record through handwriting and finger print expert.

This petition has been sought for quashing of impugned order dated 16.01.2018 solely on the ground that the petitioner has already given his specimen signatures vide order dated 21.09.2017, passed by the learned trial Court and those are available on the record but the learned trial Court has made the following observations:-

“xxx

xxx

xxx

xxx

Therefore, it is wrong to say that once similar application has

been allowed, then applicant/accused has no right to defend his case because applicant/accused has valuable right to defence the allegations levelled against him by complainant and if he wants to discard the allegations of complainant by way of examine handwriting and Finger Print Expert after obtaining specimen signatures of complainant, no prejudice is likely to be caused to complainant because complainant also have right to cross-examination the expert witness, if produced by accused in defence. Moreover, this court is of the view that since the present complaint is containing the allegations of forgery, therefore, specimen signatures of complainant should be very essential for the proper adjudication of the present complaint, after comparing the same from Handwriting and Finter Print Expert.

Xxx xxx xxx xxx”

To the mind of this Court, it will not prejudice to the case of complainant. No infirmity and illegality has been found in the impugned order.

Hence, the instant petition, being devoid of any merit is dismissed.

30.01.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No