

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41696-2013 (O&M)
Date of Decision:-05.09.2018.

Iqbal Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajiv Kataria, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Guninder Sidhu, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioners have sought for quashing of FIR No.321 dated 17.07.2008 under Sections 420/467/468/471/201/120-B IPC, registered at Police Station Kotwali, Patiala, District Patiala.

2.) Learned counsel for the petitioner submitted that FIR has been filed falsely against the petitioner. Complainant has filed FIR against the petitioners with reference to forging his signature on a deed for which civil suit was filed and it has attained finality in handing over shop which was taken by the petitioners on rental basis. Therefore, no ground is made out so as to implicate the petitioners for the aforesaid offences in FIR No.321 dated 17.07.2008.

3.) On the other hand, learned counsel for the respondent submitted that when the petitioners were tenant to the second respondent,

they have created rent deed which is stated to be fake and forged one and it shows payment of Rs.5,00,000/- as advance payment of rent. It was created to save themselves from the liability in the suit. This fact was also admitted by them before the Civil Court.

- 4.) Heard the learned counsel for the parties.
- 5.) Having regard to the nature of allegations made against the petitioners in the FIR to the extent that petitioners have created fake rent deed, question of interference under Section 482 Cr.P.C. do not arise in view of the alleged incident relating to civil dispute between the petitioners and second respondent relating to relationship of tenant and landlord. Thus, petitioners have not made out a case so as to interfere with the FIR No.321 dated 17.07.2008.
- 6.) Accordingly, petition stands dismissed.
- 7.) At this stage, learned counsel for the petitioners vehemently contended that rent deed has not been made available so as to implicate the petitioners in the FIR. Therefore, interference under Section 482 Cr.P.C. is necessary. Ultimately it is a matter relating to dispute of the particular document whether petitioner has created fake rent deed or not is required to be examined during the course of investigation and trial. This Court cannot examine authenticity of the disputed rental deed which was the subject matter of the FIR. Accordingly, aforesaid contention of the petitioner is hereby rejected.

(P.B. BAJANTHRI)
JUDGE

September 05, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.