

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-10072-2012 (O&M)

Sarabjit Kaur @ Paramjit Kaur and another

..... Petitioners

Versus

State of Punjab and another

..... Respondent

2. CRM-M-39950-2012 (O&M)

Surinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

3. CRM-M-22991-2016(O&M)

Gurmeet Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondent

4. CRM-M-16064-2012 (O&M)

Vinod Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondent

Date of decision: 06.03.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Paramjit Batta, Advocate
for the petitioners (in CRM-M-10072-2012).

Mr. Jatinder Nagpal, Advocate for the petitioners
(in CRM-M Nos. 22991-2016 & 39950-2012).

Mr. Arihant Jain, Advocate
for the petitioner (in CRM-M-16064-2012).

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, four above titled petitions are being disposed of as similar facts are involved therein. For brevity, the facts are being extracted from CRM-M Nos. 10072-39950-2012 and CRM-M-22991-2016.

Briefly, petitioner No. 1-Sarabjit Kaur @ Paramjit Kaur (in CRM-M-10072-2012) was married to Paramjit Singh @ Karamjit Singh, who died on 22.10.2008. Consequently, mutation No. 135 dated 11.12.2018, qua inheritance of his property was sanctioned by the revenue authorities in favour of Sarabjit Kaur @ Paramjit Kaur, as his widow, inasmuch as, Paramjit Singh @ Karamjit Singh, had left with no other legal heir. Brother of Paramjit Singh @ Karamjit Singh, namely; Baljit Singh (respondent No. 2 in all cases) through his minor daughter, namely; Miss Anmol, aged around 5 years got challenged the said mutation sanctioned in favour of Sarabjit Kaur @ Paramjit Kaur, by filing appeal claiming her to be the adopted daughter of Paramjit Singh @ Karamjit Singh, on the basis of one insurance policy dated 28.12.2008, wherein she was nominated as nominee. Since, there was no adoption deed registered or otherwise in favour of Miss Anmol, therefore, learned Assistant Collector Ist Grade, dismissed her first appeal vide order dated 15.10.2009 (Annexure P-2 in CRM-M-10072-2012). Still, Miss Anmol and her father-Baljit Singh, did not remain silent and further preferred revision challenging the aforesaid mutation and order dismissing the appeal, after nine months before the Commissioner, Patiala Division, Patiala, which too was dismissed in default on 15.09.2011.

Simultaneously, Baljit Singh as natural father and guardian of

Miss Anmol, filed a civil suit for declaration and permanent injunction titled as 'Miss Anmol and others Vs. Sarabjit Kaur and others', wherein upon notice, Sarabjit Kaur @ Paramjit Kaur, filed counter-claim. The said civil suit was also finally dismissed vide judgment and decree dated 30.11.2015 (Annexure P-11 in CRM-1875-2016 in CRM-M-10072-2012). The trial Court negated the plea of adoption of Miss Anmol by late Paramjit Singh @ Karamjit Singh. The things did not rest here, Baljit Singh, further approached the Ist Appellate court, against the aforesaid judgment and decree dated 30.11.2015, but remained un-successful, inasmuch as, according to learned counsel for the petitioners, his appeal too was dismissed. Therefore, Baljit Singh, had lost his battle on civil side, claiming his daughter as adopted daughter of late Paramjit Singh @ Karamjit Singh or that she was entitled to half share in the property left by him.

On 18.04.2011, Sarabjit Kaur @ Paramjit Kaur, with the help of other petitioners in connected petitions, out of whom some are revenue officials, besides, purchasers and attesting witnesses, sold some land of her late husband, Paramjit Singh @ Karamjit Singh to Surinder Singh, Gurmeet Singh and Randhir Singh sons of Jagir Singh (petitioners No. 1 to 3 in CRM-M-39950-2012). Still, Baljit Singh, having an evil eye on the property of his deceased brother and to grab the same, with *mala fide* intention lodged FIR No. 81 dated 31.05.2011 (Annexure P-1 in CRM-M Nos. 10072, 39950 and 16064-2012) under Sections 419, 420 and 120-B IPC, Police Station Julkan, District Patiala, against all the petitioners therein, who were either revenue officials, attesting witnesses and purchasers of land in question. The vendees of Sarabjit Kaur @ Paramjit

Kaur, namely; Surinder Singh, Gurmeet Singh and Randhr Singh, further sold the land to Harbilas Singh, Harbans Singh, Gurmail Singh, sons of Balwant Singh, Manjit Singh and Baljit Singh, sons of Harkesh Singh. Consequently, FIR No. 105 dated 26.07.2014 (Annexure P-1 in CRM-M-22991-2016) under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Julkan, District Patiala, was registered against the petitioners, for the sale of same land including all rights appurtenance thereof.

Both the aforesaid FIRs have been impugned herein by the widow of Paramjit Singh @ Karamjit Singh, vendors, attesting witnesses and revenue officials.

At the outset, it is relevant to mention here that despite issuance of notice, though, Baljit Singh, initially, in the year 2015 was represented by Mr. KS Bassi, Advocate, but thereafter, none has come forward to represent him nor he himself contested the petitions.

Learned counsel for the petitioners contend that the plea of Baljit Singh, that his minor daughter-Miss Anmol, was adopted by his brother late Paramjit Singh @ Karamjit Singh and was entitled to half share in his property has already been disbelieved and negated by the civil Courts. The verdict of civil Courts declaring petitioner Sarabjit Kaur @ Paramjit Kaur, as lawful successor of her late husband Paramjit Singh @ Karamajit Singh, have attained finality. Therefore, any of the petitioners (in all cases) is not liable to be prosecuted under both the impugned FIRs, lodged against them on the allegations that they have cheated Baljit Singh and his minor daughter Miss Anmol.

On the other hand, learned State counsel fairly conceded that since, civil Courts findings have come against Baljit Singh, therefore, the

petitioners cannot be prosecuted in both the aforesaid FIRs.

Since, the civil Courts have rendered judgments in favour of petitioner-Sarabjit Kaur @ Paramjit Kaur, completely, rejecting the claim of Baljit Singh, therefore, any of the petitioners cannot be made to suffer more or can be prosecution under the aforesaid FIRs.

Consequently, both the FIRs i.e. (i) FIR No. 81 dated 31.05.2011 (Annexure P-1 in CRM-M Nos. 10072, 39950 and 16064-2012) and (ii) FIR No. 105 dated 26.07.2014 (Annexure P-1 in CRM-M-22991-2016) and all the subsequent proceedings arising therefrom qua the petitioners are quashed.

Disposed of.

March 06, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No