

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-726-MA of 2016
Date of Decision: 02.12.2019

Vijay Kumar

.....Applicant

Vs.

Parshotam Dass and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. B.S.Jaswal, Advocate for the applicant.

Mr. B.M.Vinayak, Advocate for respondents No. 1 and 2.

HARNARESH SINGH GILL, J.

The applicant has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 19.10.2012 passed by the learned Sub Divisional Judicial Magistrate, Baba Bakala, District Amritsar vide which the complaint filed by him was dismissed and the respondents were acquitted of the charges under Sections 120-B, 420, 465 of the Indian Penal Code, 1860 ('IPC' for short).

In the present case, applicant Vijay Kumar filed the complaint under Sections 419, 420, 120-B, 34 IPC alleging that accused in connivance with each other, had got the mutation sanctioned on the basis of false and fabricated Will dated 23.11.1990. The said mutation was challenged by Chanchal Rani and the same was cancelled by SDM-cum-Collector, Baba Bakala vide order dated 15.1.2004. Thereafter accused presented another Will dated 25.4.1994 which was also declared null and void. Vide order dated 19.10.2012, the complaint was dismissed by Sub Divisional Judicial Magistrate, Baba

Bakala. Hence the present application under Section 378(4) Cr.P.C.

Notice of motion.

Mr. B.M.Vinayak, Advocate, present in Court, accepts notice on behalf of respondents No. 1 and 2.

Learned counsel for respondents No. 1 and 2 submits that during the pendency of present application, Chanchal Rani wife of the applicant, who is the sister of respondent Parshotam Dass, challenged both the Wills and mutation before the Civil Court and the suit was dismissed and the first appeal filed by her was also dismissed. Against the concurrent findings of the Courts below, Chanchal Devi preferred RSA No. 4703 of 2016 which was also dismissed by this Court vide order dated 9.5.2019.

This fact has not been disputed by the counsel for the applicant.

Since the challenge to the Wills remained unsuccessful upto this Court, the criminal proceedings on the same cause of action were rightly negated vide the impugned order.

Keeping in view of the above, the present application under Section 378(4) Cr.P.C. is dismissed. Special leave to appeal is declined.

(HARNARESH SINGH GILL)
JUDGE

December 02, 2019

Gurpreet

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No