

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

**CRM-M-3538-2015**  
**Date of decision: 13.03.2019**

**Khuswant Singh**

**...Petitioner**

**Versus**

**State of Punjab and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Sunil Agnihotri, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. P. S. Punia, Advocate  
for respondent No. 2.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for quashing the Criminal Complaint No. 73 dated 20.05.2010 (Annexure P-2), filed under Sections 419, 420, 467, 468, 471 and 506 of the IPC, Police Station Payal, District Ludhiana, as well as summoning order dated 26.08.2013 (Annexure P-2), vide which the petitioner was summoned to face trial in the aforesaid complaint.

Since this petition is pending since 2015 and proceedings have been stayed, the same was ordered to be listed in the Urgent List.

Brief facts of the case are that complainant Sarabjit Singh son of Bhagat Singh filed the aforesaid complaint against the petitioner with the allegations that he is residing in village Rauni, Tehsil Payal, Ludhiana along with his family members and petitioner/accused is also residing in the same village along with his wife Charanjit Kaur. It is further stated in the complaint that complainant had purchased some property at the back side of

his house and there is also a workshop which is in exclusive possession of of complainant and his brother Manpreet Singh, however, the petitioner/accused, in connivance with his wife Charanjit Kaur and brother-in-law Charanjit Singh @ Charna tried to interfere in the possession of the aforesaid property and in this regard, a complaint was also lodged with the police but no case was taken against the accused persons. Thereafter, petitioner Khuswant Singh started threatening to kill the complainant as well as his brother with his licensed weapon i.e. .12 bore gun and pistol and further threatened to dispossess the complainant and his brother from their property, upon which, the complainant filed a civil suit for grant of decree of permanent injunction and the petitioner and his associates were restrained from causing any interference in the peaceful possession of the complainant, vide order dated 14.09.2010. It is further stated that on inquiry, the complainant found that petitioner/accused has obtained the arm license by claiming himself as son of 'Mohan Singh', however, he is in fact the son of one 'Mahan Singh' and the petitioner has obtained the said arm license by committing a fraud with the Licensing Authority and when the complainant filed complaint, in this regard, with the District Magistrate and other higher authorities, the petitioner, in connivance with others, tampered the record pertaining to his arm license bearing No. 2370 by interpolations from word "O" to "A" in the name of the father from "Mohan Singh" to "Mahan Singh".

On the aforesaid complaint, the trial Court has summoned the accused/petitioner to face trial, vide impugned order dated 26.08.2013.

Learned counsel for the petitioner has argued that the petitioner is in possession of arm license since 1992 and it was later renewed from

time to time and this fact was not in the notice of the petitioner that inadvertently, the name of his father has been mentioned as “Mohan Singh” instead of “Mahan Singh” in the arm license.

Learned counsel for the petitioner has further submitted that complainant is the brother-in-law of the petitioner and the dispute arose between the parties when the father of the complainant (father-in-law of the petitioner) disowned him by making a publication in the newspapers on 26.03.2010 and thereafter, a sale deed was executed on 29.03.2010 and on the basis of the same, mutation was sanctioned in favour of the wife of the petitioner, who is real sister of the complainant.

Learned counsel for the petitioner has further submitted that a civil suit was filed by the complainant challenging the aforesaid mutation, in which, a stay order was passed in favour of the complainant on 14.09.2010. It is further submitted that on coming to know about the mistake, the petitioner moved an application before Licensing Authority for correction of his father's name as “Mahan Singh” from “Mohan Singh” and the same was ordered to be corrected by the Licensing Authority on 01.06.2010 by making an endorsement in license register and thereafter a similar endorsement was made even on the arm license on 02.12.2010 correcting the name.

Learned counsel for the petitioner has further submitted that till date, there is no FIR against the petitioner or any other complaint that he has extended any threat to the complainant or his family members and the arm license, which was issued way back in 1992 was renewed from time to time thereafter and only allegation in the complaint is that firstly the petitioner has obtained the said arm license by showing his father's name as “Mohan

Singh” whereas his father's actual name is “Mahan Singh” and then he has made cuttings in the license and replaced the alphabet “O” with “A” in his father's name.

Learned counsel for the petitioner has further argued that the trial Court, while summoning the petitioner, has relied upon PW-4 Krishna Kumari, Clerk, Arm license Office, Ludhiana, wherein, on 21.09.2012, she has stated that till date, the name of Khushwant Singh son of Mohan Singh has not been corrected in the name of the Column of Name and Address of the armed license holder and the photocopy of the armed license register was exhibited as Ex. PW-4/1 and Ex. PW-4/2 as she has produced the original record in the Court.

Learned counsel for the petitioner has referred to the arm license wherein there is an endorsement of correction of father's name and submitted that no fraud has been played by the petitioner and statement made by PW-4 is factually incorrect.

In reply, learned counsel for respondent No. 2/complainant has placed on record photocopies of Ex. PW-4/1 and Ex. PW-4/2, which are photocopies of the armed license register and marked as 'X' and 'Y'.

A careful perusal of these documents would show that the said arm license was issued to the petitioner on 15.05.1992 by showing his name as Khushwant Singh son of Mohan Singh and it was renewed after every three years and on 01.06.2010, there is a clear endorsement on Ex. PW-4/2 that the father's name of the petitioner is changed to “Mahan Singh” by way of order dated 01.06.2010 passed by Licensing Authority and the relevant order, which is typed one, is pasted on this register. This document further shows that said arm license was renewed even subsequently and it is not

disputed that petitioner is still holding the said arm license.

After hearing learned counsel for the parties, I find merit in the present petition for the following reasons:

(a) Admittedly, the arm license was issued on 15.05.1992 and the wife of the petitioner is real sister of the complainant/respondent No. 2 and a property dispute arose in the their family after the father-in-law of the petitioner, who is father of the complainant as well, disowned the complainant on 26.03.2010, which was followed by a mutation sanctioned in the name of wife of the petitioner, who is the real sister of the complainant and then the complainant had instituted a civil suit on 21.04.2010.

On a query, learned counsel for the complainant/respondent No. 2 has stated that said civil suit stands dismissed by the trial Court as well as by the lower appellate Court, however, one contempt petition is pending against the defendants.

(b) It is also not disputed that in the original arm license, father's name of the petitioner was mentioned as "Mohan Singh" and later on, on the basis of the endorsement made on 01.06.2010, the name of the father of petitioner was corrected as "Mahan Singh" in license register and the said entry was also made in the arm license of the petitioner n 02.12.2010. It is not the case of the complainant that the petitioner has used the arm license or extended any threat for which he is seeking cancellation of the arm license given to the petitioner. Therefore, considering the aforesaid facts, the statement of PW-4 Krishna Kumari, who has stated that the father's name of the petitioner has not been corrected till date i.e. 21.09.2012, when her statement was recorded before the trial Court, is factually incorrect as

the correction was made by the Licencing Authority on 01.06.2010 and the same was incorporated on the arm license on 02.12.2010. Needless to say that impugned summoning order is based on the appreciation of this statement, therefore, the impugned summoning order is not sustainable.

In view of the above discussion, this petition is allowed and Criminal Complaint No. 73 dated 20.05.2010 (Annexure P-2), filed under Sections 419, 420, 467, 468, 471 and 506 of the IPC, Police Station Payal, District Ludhiana, as well as summoning order dated 26.08.2013 (Annexure P-2), vide which the petitioner was summoned to face trial in the aforesaid complaint, are hereby quashed qua the petitioner herein.

**March 13, 2019**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*