

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

(1) CRM-M-18153 of 2014 (O&M)
Shamsher Singh
...Petitioner

Versus

State of Punjab and others
...Respondents

(2) CRM-M-31784 of 2014 (O&M)
Hardeep Singh and others
...Petitioners

Versus

State of Punjab and others
...Respondents

(3) CRM-M-2461 of 2016 (O&M)
Jarnail Singh
...Petitioner

Versus

State of Punjab and others
...Respondents

(4) CRM-M-18304 of 2015 (O&M)
Lakhvir Singh
...Petitioner

Versus

State of Punjab and others
...Respondents

Date of decision: 14.02.2020

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.K. Singla, Advocate for the petitioner(s)
in CRM-M-18153 and 31784-2014.

Mr. Liaqat Ali, Advocate for the petitioner(s)
in CRM-M-18304-2015 and CRM-M-2461-2016.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. IPS Bawa, Advocate for
Mr. R.S. Athwal, Advocate
for respondent No.3/complainant.

H.S. MADAAN, J.

Briefly stated facts of the case are that complainant Sukhdeep Kaur widow of Baljit Singh, resident of Village Talwan, Tehsil Phillaur, District Jalandhar had submitted a written complaint dated 28.02.2013 to the Senior Superintendent of Police, Jalandhar with regard to forged sale deed got registered by Jarnail Singh son of Lakhbir Singh. Inter alia, she contended that she had got general power of attorney from Gurbachan Singh son of Pal Singh, resident of Village Talwan, Tehsil Phillaur, District Jalandhar, presently residing at Bikaner; that power of attorney was executed by Gurbachan Singh son of Pal Singh in connection with his land at Village Talwan. Baljit Singh, deceased husband of the petitioner was cultivating that land and was owner in possession thereof. However, Baljit Singh and his father Kulbir Singh died in the year 2012. After their deaths, while going through the papers with regard to the property belonging to the family, she came to know that Jarnail Singh son of Lakhbir Singh son of Surain Singh had got a fictitious sale deed executed with respect to the land of Pal Singh regarding, which she was holding power of attorney in the year 2008. Jarnail Singh had done so by producing some person,

who had impersonated as Pal Singh, whereas Pal Singh had expired much earlier in the year 1983. The complainant got death certificate of Pal Singh and contacted legal heirs of Pal Singh, who told her that they had given the land to Kulbir Singh son of Surain Singh, deceased father in-law of the complainant with their free consent; that Jarnail Singh is a notorious person, indulging in acts of fraud and cheating quite frequently and he had also secured loan from State Bank of India, Branch Jandiala against the above said land. The complainant expressed an apprehension of physical harm to her and young children at hands of Jarnail Singh. On receipt of the said written complaint, the matter was enquired into by the police and it was found that Jarnail Singh son of Lakhbir Singh and Harvinder Singh @ Goldy son of Sarabjit Singh, resident of Talwan had obtained loan from different banks by preparing false documents including residence proof and producing fictitious persons and further Jarnail Singh, Lakhbir Singh, Bhinderjit Singh, Balwinder Singh, Hardeep Singh, Shamsheer Singh, Santokh Singh, Kashmir Singh, Satwinder Singh, all residents of Village Talwan well aware that Pal Singh son of Mala Singh was owner of the land, had already died since long, even then, some fictitious person was produced in place of Pal Singh and Jarnail Singh got the sale deed executed by appearing on behalf of purchasers, vide sale deed No.2280 dated 24.12.2007 in favour of Shamsheer Singh, Lakhbir Singh 24/120 share, Bhinderjit Singh, Balwinder Singh,

Hardeep Singh 21/120 share, Santokh Singh, Kashmir Singh, Satwinder Singh and Baljit Singh 15/120 share. All of them being residents of Village Talwan and he had also got sale deed dated 24.12.2007 in respect of the land measuring 2K-8M by producing Bhinderjit Singh as purchaser in his own name in favour of Balwinder Singh to the extent of 1/3 share and Hardeep Singh ½ share. On both sale deeds, Jarnail Singh has got signatures of Dinesh Kumar, Nambardar of Noor Mahal and Janak Singh son of Baldev Singh, resident of Talwan, as attesting witnesses by taking advantage of his influence. Thereafter, Jarnail Singh had obtained a loan of Rs.4,50,000/- from SBI Bank, Branch Jandiala by creating equitable mortgage of total land measuring 12 kanals. After the registration of FIR, the matter was investigated. The accused were arrested in this case.

On completion of investigation and other formalities, the challan against the accused was prepared and filed in the Court.

As has been informed by learned State counsel, the trial in the case is going on and out of 18 PWs cited, 02 PWs have been examined and the next date of hearing fixed in the trial Court is 27.02.2020.

Accused Shamsher Singh has filed CRM-M-18153-2014, accused Hardeep Singh, Bhinderjit Singh, Balwinder have filed CRM-M-31784-2014, accused Jarnail Singh has filed CRM-M-2461-2016,

whereas, accused Lakhvir Singh has filed CRM-M-18304-2015 under Section 482 Cr.P.C., seeking quashing of FIR No.87 dated 14.07.2013 for offences under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Bilga, District Jalandhar, against them, along with consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion of the petitions was given to the respondents. State of Punjab has appeared through its counsel. Respondent No.3-complainant has also put in appearance through counsel, whereas, respondent No.2-Gurbachan Singh had not appeared.

I have heard learned counsel for the parties besides going through the record.

In the instant case, although, according to the petitioners, the matter has been compromised between the parties, vide written compromise entered into between the parties and signed by complainant Sukhdeep Kaur but Sukhdeep Kaur has categorically stated that no such compromise has been reached, rather, residents of the village had pressurized her to make a statement before the Illaqa Magistrate and such statement made was given under pressure. The accused along with Sarpanch Balwinder Singh were threatening her that they would implicate her and her son in false cases and she apprehends danger to her life at their hands. The accused want to grab the land by illegal means, they have committed a crime against the State. Since, sale deeds have been executed by impersonating a dead

person.

Learned counsel for the petitioners have contended that the matter has been compromised between the petitioners and Gurbachan Singh. Sukhdeep Kaur had also entered into compromise but she is resiling now. She had lodged the FIR as attorney of Gurbachan Singh and once Gurbachan Singh has compromised the matter with the petitioners, consent of Sukhdeep Kaur is immaterial.

Whereas, these contentions are controverted by learned counsel appearing for Sukhdeep Kaur, stating that Sukhdeep Kaur had a personal interest in the property, which belongs to her family and it cannot be said that she had lodged the FIR in her capacity as attorney of Gurbachan Singh only.

Learned State counsel has also opposed the quashing of FIR.

After hearing learned counsel for the parties, I find that the offences said to have been committed by the accused are quite grave and serious and as has been rightly pointed out on behalf of Sukhdeep Kaur, these offences are against the State and society and not personal in nature to the complainant only. Though, in certain cases, quashing of FIR on the basis of compromise can be done subject to fulfillment of necessary requirements but then, the purpose of doing so is basically to prevent the abuse of process of the Court or to otherwise secure the ends of justice. In this case, no abuse of process of the Court comes out

to be there and ends of justice rather demands that the trial against the accused should proceed and taken to its logical end to determine the criminal liability of the accused. If the prosecution fails to prove its charge against the accused beyond a shadow of reasonable doubt, then, they would definitely earn acquittal and if the things are otherwise, then the guilty persons would face conviction and sentence. I find that quashing the FIR under these circumstances would not be proper and appropriate. Therefore, the petitions so filed are found to be devoid of merit and those are dismissed accordingly. Since the FIR is of the year 2013 and by this time, only 02 PWs are said to have been recorded, the trial Court is directed to conclude the trial expeditiously preferably within a period of six months from the date of receipt of copy of order there, by fixing short dates and refraining to grant adjournment except for justifiable reason, which be mentioned in the interim order.

14.02.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No