

CRM-M-40506-2018 (O&M)

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

CRM-M-40506-2018 (O&M)

Date of decision: 04.02.2020

Jatinder Singh & ors.

.... Petitioners

Versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioners.

Ms. Devaki Anand Sullar, AAG, Haryana.

Mr. Mehtab Khaira, Advocate
for respondent No.2

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for setting aside the order dated 24.08.2018 (Annexure P-6) whereby Addl. Sessions Judge, Amritsar set aside the order dated 09.02.2018 of Chief Judicial Magistrate, Amritsar in case FIR No.126 dated 19.12.2012 registered under Sections 420, 467, 468, 471 and 120-B IPC and ordered him to pass a fresh order on the application filed by respondent No.2 for alteration of charges.

Learned counsel for the petitioners contends that the petitioners, who are brother-in-law, parents-in-law and sister-in-law of the complainant-respondent No.2, are completely innocent and have been falsely implicated in the FIR in question. It has been further urged that the relations between respondent No.2 and her husband Baljit Singh turned sour and a FIR No.114

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dated 26.06.2012 (Annexure P-2) was earlier registered against him at the instance of the complainant-respondent No.2. As the whereabouts of her husband-Baljit Singh were unknown to respondent No.2 (complainant) in order to wreak vengeance on him and his family, FIR No.126 dated 19.12.2012 was registered under Sections 498-A /420/467/468/471/120-B IPC at Police Station Kathu Nangal, District Amritsar Rural (Annexure P-1) alleging cruelty and forgery. An investigation in FIR No.126 dated 19.12.2012 was carried out by the investigating agency. Since no offence under Sections 420, 467, 468, 471 and 120-B IPC was made out against the petitioners, the police presented challan only under Section 498-A IPC against the petitioners and Baljit Singh. After the presentation of the challan, complainant moved an application under Section 216 Cr.PC for addition of offence under Sections 420, 467, 468, 471 and 120-B IPC (Annexure P-4).

Learned counsel for the petitioners has vehemently argued that on a perusal of the allegations levelled against the petitioners it is very evident that it was the husband of the complainant, who had got prepared a passport by using the name and address of his brother i.e. petitioner No.1. So much so, there was not even any whisper of the connivance of the petitioners with Baljit Singh i.e. the husband of the complainant in preparing the forged passport. In support of his contentions, learned counsel for the petitioners has placed reliance on the judgments of Hon'ble Supreme Court in *State of Gujarat vs. Girish Radhakrishnan Varde, 2014(1) RCR (CrL) 857* and *Sohan Lal and others vs. State of Rajasthan, 1990(3) RCR (CrL) 610*.

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Learned counsel for respondent No.2 vehemently opposed the contentions of the opposite counsel and submitted that there were specific allegations against the husband of respondent No.2, who had used his brother's name along with his documents to prepare the fake passport. Further, on the basis of the fake passport, the husband i.e. Baljit Singh had fled the country and had been declared a Proclaimed Offender. The matter had been investigated by Superintendent of Police(D), Amritsar Rural, who found substance in the allegations levelled by the complainant against her husband and the petitioners.

After hearing learned counsel for the parties and perusing the allegations and other material on record, I find no infirmity in the impugned order, which would warrant any interference of this Court. The Court below has passed the impugned order after due consideration of the material collected by the investigating agency from which a prima facie case for alteration of charges is made out.

Accordingly, the present petition stands dismissed.

04.02.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No