

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25445 of 2021

Date of decision:12.07.2021

Resham Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Simranjit Singh Sidhu, Advocate
for the petitioner.

SUVIR SEHGAL J.

The hearing of this petition has been taken up through video conferencing.

This is the second petition filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.40 dated 13.08.2019 registered for offences under Sections 419, 420, 465, 467, 468, 471, 120-B, 380 and 454 of Indian Penal Code, 1860 at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all consequential proceedings arising therefrom.

Facts in brief, are that the impugned FIR came to be registered on the basis of a complaint received from Maj. Senior Record Officer for OIC records on the allegation of false fabrication of Part-II Order. It has been alleged that Ex-Hav.Swaran Singh was enrolled in the Army on 15.10.1976 and discharged on 22.09.1992 on completion of 15 years of service. As per the record held with the office, he was married with Sukhwinder Kaur and there was no information of any child. A letter dated 20.05.2019 was received from the District Sainik Welfare Office, Moga, for publication of Part-II Order for changing the name of his wife to Satwant

Kaur and mentioning the birth of a son, Resham Singh (present petitioner), which was carried out. However, Ex-Hav.Swaran Singh approached the complainant through District Defence Services Welfare Office, Moga, vide letter dated 05.12.2017 stating that he had shifted to USA after retirement and when he came back to India in 2013, he came to know that his brother Gurbachan Singh had forged documents to show Resham Singh as his son. He also intimated that he had divorced his wife Sukhwinder Kaur *alias* Sukhwant Singh on 08.01.2020. The complainant sought verification from different departments including the Local Registrar, Births and Deaths as well as the District Education Officer but no response was received to the communications addressed to them. Ex.Hav.Swaran Singh later approached the complainant on 16.07.2018 for cancellation of Part-II Order by producing a death certificate of his wife.

Counsel for the petitioner has relied upon on various documents appended with the petition to contend that the petitioner was the son of Swaran Singh and name of his mother is Sukhwant Kaur. He submits that the petitioner has been falsely roped in and no offence is made out against him. It is his submission that crime, if any, has been committed by Gurcharan Singh and the FIR deserves to be quashed qua the petitioner.

I have considered the arguments addressed by counsel for the petitioner.

The first petition seeking quashing of the impugned FIR filed by the petitioner was dismissed on 16.03.2019 (Annexure P-18) as the counsel made a statement that it has become infructuous since the name of the petitioner has been shown as accused in column no.2 in the challan presented by the prosecution. The position continues to be the same even

now and there is no change in the circumstances. Still further, it may be noticed that the complaint has been lodged by the OIC Records in his official capacity and a perusal of the same shows that there are direct allegations regarding impersonation, cheating, criminal conspiracy, forgery of documents etc., attracting various provisions of the Indian Penal Code.

Applying the principles laid down by the Apex Court of the country in **State of Haryana Vs. Bhajan Lal AIR 1992 SC 604**, the allegations made in the FIR, do make out commission of a cognizable offence justifying the registration and investigation thereon. The present case does not fall under any of the categories of cases formulated by the Supreme Court for the exercise of extra-ordinary or inherent powers of the High Court to quash the FIR itself. The arguments raised by the counsel representing the petitioner cannot be appreciated at this stage.

The petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

July 12, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes