

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

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**CRM-M-33790-2021
Decided on : 08.08.2022**

Gurmehar Singh and another

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

PRESENT: Mr. Piyush Sharma, Advocate
for the petitioner(s).

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. The present petitioners, through invoking the provisions of Section 482 Cr.P.C., claim relief of quashing of FIR No. 88, dated 20.06.2021, registered at Police Station Sadar Ferozepur, wherein, offences constituted under Sections 420, 120-B of IPC, are embodied.

2. A perusal of the report of the serving agency, reveals that, despite the process server concerned attempting to cause valid service upon respondent No.2, yet the latter declining to accept the notice, therefore, refusal of the respondent to accept the summons from the process server concerned tantamounts, to his being deemed to be served, and, as such, when he has neither appeared in-person, and, nor through his counsel, therefore, he is ordered to be proceeded against *ex-parte*.

3. The gravamen of the allegations made in the FIR, relate to the present petitioners contemporaneous to the drawing of the apposite registered deed of conveyance, rather, then not liquidating to the vendor, hence, the apposite sale consideration.

4. The test for determining whether the above raised grievance by the vendor against the present petitioners, is valid, becomes rather, rested upon, the sealed signed statutory endorsement, as, made on the registered deeds of

conveyance(s), to which Annexures P-1 & P-2, becomes assigned. The statutorily made thereons sealed signed endorsements by the Sub-Registrar concerned, though are in vernacular, but the learned counsel for the petitioners, and, also the learned State counsel, has read them, both in vernacular, and, also in English. The above readings of the sealed signed statutory endorsements, as, made on the registered deeds of conveyance, as, executed by the complainant-vendor, in favour of the petitioners, reveals, that the entire sale consideration became liquidated by the present petitioners, to the vendor(s), rather, in contemporaneity to the execution of the registered deeds of conveyance concerned.

5. If so, the above grievance cannot be raised before this Court, and, if it is amenable, to be raised, it can be raised only before the Civil Court concerned, as there is a rebuttable presumption of truth, attached to sealed signed endorsement(s), as, made by the Sub-Registrar concerned, upon, the apposite registered deeds of conveyance, and, the above presumption may become rebutted, only when, an issue in respect thereof, is raised in the civil suit concerned, and, also evidence, especially of the Sub-Registrar concerned, is adduced thereons, and, subsequently, an answer is rendered thereon, by the Civil Court concerned.

6. Tritely, the above factum, cannot be determined in criminal proceedings. In consequence, there is merit in the petition, and, the same is allowed.

7. Consequently, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed *qua* the petitioners.

(SURESHWAR THAKUR)
JUDGE

August 08, 2022
J.Ram

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