

CRM-M-6742-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision:-07.08.2023

Charanjit Singh ASI and ors.

.... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bipan Ghai, Sr. Advocate assisted by
Mr. Nikhil Ghai, Advocate and
Mr. R.G. Chandiwalla, Advocate, for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. J.V. Singh Dhindsa, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of complaint No.20 dated 23.05.2019 titled as 'Kirandeep Kaur versus Charanjit Singh and others (Annexure P-1)' under Sections 302, 420, 465, 467, 468, 471, 120-B and 201 IPC, summoning order dated 31.08.2021 under Sections 420, 468, 465, 120-B IPC (Annexure P-2) passed by the Judicial Magistrate Ist Class, Sri Muktsar Sahib and all consequent proceedings arising therefrom.

2. At the very outset, the learned Senior counsel for the petitioners submits that he wishes to withdraw the present petition qua petitioner No.1/accused No.1-Charanjit Singh.

3. In view of the prayer made by the learned Senior counsel for the petitioners, the present petition is ordered to be dismissed as withdrawn

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4. The present complaint under Sections 302, 420, 465, 467, 468, 471, 120-B and 201 IPC came to be filed at the instance of respondent No.2/complainant-Kirandeep Kaur wife of Charanjit Singh (petitioner No.1) against petitioner No.1/accused No.1-Charanjit Singh, petitioner No.2/accused No.2-Gurpal Singh, petitioner No.3/accused No.3-Gurmeet Singh, petitioner No.4/accused No.6-Varinder Kaur, petitioner No.5/accused No.7-Amanpreet Singh, petitioner No.6/accused No.8 Sukhjeet Kaur, accused No.4-Jasdeep Kaur @ Laddi, accused No.5-Gurjant Singh, accused No.9-Resham Singh and accused No.10-Jaspal Singh. A number of allegations have been levelled in the said complaint. However, the summoning order came to be passed under Sections 420, 468, 465 and 120-B IPC against accused No.1-Charanjit Singh, petitioner No.2/accused No.2 Gurpal Singh, petitioner No.3/accused No.3 Gurmeet Singh and under Sections 465/120-B IPC against petitioner No.4/accused No.6/Varinder Kaur, petitioner No.5/accused No.7-Amanpreet Singh and petitioner No.6/accused No.8-Sukhjait Kaur as well as non-petitioners i.e. accused No.4-Jasdeep Kaur, accused No.5-Gurjant Singh, accused No.9-Resham Singh and accused No.10-Jaspal Singh for having committed two specific offences. A copy of the complaint No.20 dated 23.05.2019 and summoning order dated 31.08.2021 are annexed to the present petition as Annexures P-1 and P-2 respectively.

The aforesaid complaint (Annexure P-1), the summoning order (Annexure P-2) and subsequent proceedings arising therefrom are under challenge in the present petition.

5. As per the summoning order (Annexure P-2), the accused alongwith one Resham Singh, Clerk (accused No.9/non-petitioner) had got

registered the forged entry of birth of Lovepreet Kaur @ Navpreet Kaur on 06.03.2000 to be 07.01.2000 though her actual date of birth was Octorber, 1999. Similarly, the date of birth of Parvinder Singh was got recorded as 17.02.2003 despite the fact that his actual date of birth was 10.01.2003 (registered on 14.01.2023). Therefore, a *prima facie* case was made out against petitioner No.4/accused No.6/Varinder Kaur, petitioner No.5/accused No.7-Amanpreet Singh, petitioner No.6/accused No.8-Sukhjrit Kaur as well as accused No.4-Jasdeep Kaur, accused No.9-Resham Singh and accused No.10-Jaspal Singh under Sections 465/120-B IPC.

The second allegation pertains to the complainant-Kirandeep Kaur having paid some money to Charanjit Singh (petitioner No.1 and her husband) to purchase property in her name but the accused Charanjit Singh in connivance with petitioner No.2/accused No.2-Gurpal Singh and petitioner No.3/accused No.3-Gurmeet Singh had committed cheating with her by transferring a very small portion in her name. Therefore, a *prima facie* case was made out against petitioner No.1-Charanjit Singh (accused No.1), petitioner No.2-Gurpal Singh (accused No.2) and petitioner No.3-Gurmeet Singh (accused No.3) for having committed the offence under Sections 420, 468, 465, 120-B IPC.

The chart showing the name of the accused, the sections under which they have been summoned and the allegations is reproduced hereinbelow:-

<u>Accused</u>	<u>Summoned U/S</u>	<u>Allegations</u>
Charanjit Singh (petitioner No.1/accused No.1), Gurpal Singh (petitioner No.2/accused No.2) and Gurmeet Singh (petitioner	420, 468, 465, 120-B IPC.	Complainant had paid money for the purchase of land but accused have transferred small land.

No.3/accused No.3)		
Varinder Kaur (petitioner No.4/accused No.6), Amanpreet Singh (petitioner No.5/accused No.7) and Sukhjit Kaur (petitioner No.6/accused No.8) as well as non-petitioners i.e. accused No.4-Jasdeep Kaur, accused No.5-Gurjant Singh, accused No.9-Resham Singh and accused No.10-Jaspal Singh	465, 120-B IPC.	Created forged documents relating to the birth of children of petitioner No.1-Charanjit Singh
However no offence under Sections 471, 320 and 201 IPC was made out.		

6. The learned Senior counsel for the petitioners No.2 to 6 contends that so far as the first allegation of changing the date of birth of Lovepreet Kaur @ Navpreet Kaur and Parvinder Singh is concerned, the petitioners No.2 to 6 could not be held to be liable for the same in the absence of any corroborative evidence whatsoever. Only petitioner No.1-Charanjit Singh, father of the children (qua whom the petition stands withdrawn) can be held to be liable, if at all. He contends that they were all close relatives of petitioner No.1 but no evidence whatsoever was led to show that they were in conspiracy with the said petitioner No.1-Charanjit Singh with respect to the first allegation. As regards allegation No.2 against petitioners No.1, 2 and 3 i.e. Charanjit Singh, Gurbal Singh and Gurmeet Singh respectively for being in connivance with each other to purchase less land for the complainant is concerned, he contends that once again there is absolutely no evidence to suggest that petitioners No. 2 and 3 who had been summoned for the said offence were in conspiracy with petitioner No.1. The offence, if any, had only been committed by petitioner No.1 qua whom the

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present petition stands withdrawn. He, therefore, contends that the proceedings qua petitioners No.2 to 6 are liable to be quashed.

7. The learned counsel for respondent No.2-complainant, on the other hand, vehemently contends that a perusal of Ex.CW-2/A (Annexure A-2) which is an Admission Form of one of the children would show that petitioner No.2/accused No.2-Gurpal Singh is one of the persons whose name is mentioned in Column No.10 and is also shown as one of the two references. Therefore, he (petitioner No.2) was aware of the actual date of birth of the children. As regards allegation No.2 of less land being purchased, he contends that a perusal of Ex.CW-1/A (Annexure A-1) would show that in the land purchased by petitioner No.1-Charanjit Singh, petitioner No.2-Gurpal Singh was a witness. He, therefore, contends that so far as petitioner No.2 is concerned, he was certainly in conspiracy with petitioner No.1, and therefore, the proceedings qua petitioner No.2 cannot be quashed. As regards the remaining petitioners, the learned counsel has not pointed out as to what evidence was available against them regarding their conspiracy with petitioner No.1-Charanjit Singh.

7. A reply by way of an affidavit of Jagdish Kumar, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib, District Sri Muktsar Sahib dated 20.07.2022 alongwith various documents such as birth certificates, etc. has been filed on behalf of respondent No.1-State. However, the same need not be adverted to in view of the fact that the learned Senior counsel for the petitioners has not pressed the present petition qua petitioner No.1.

8. I have heard the learned counsel for the parties and examined the record.

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9. As per the summoning order (Annexure P-2) two specific allegations have been levelled against the accused, one is of fabricating and changing the date of birth of the children Lovepreet Kaur and Parvinder Singh. The second allegation pertains to purchase of less land on the part of petitioner No.1 though money had been provided by the respondent No.2-complainant.

10. A perusal of the entire record would show that there is absolutely no evidence to suggest as regards allegation No.1 that petitioners No.2 to 6 who are closely related to petitioner No.1 were in connivance with petitioner No.1 to fabricate the age record of the children. Merely because petitioner No.2-Gurpal Singh was a reference in the document/Annexure A-2 (Ex.CW-2/A) would not show that he was in conspiracy with Charanjit Singh (petitioner No.1 and father of the children). As regards allegation No.2, other than the fact that the petitioner No.2-Gurpal Singh is a signatory to a sale deed executed in favour of petitioner No.1-Charanjit Singh, there is absolutely no evidence to suggest that the petitioners No.2 and 3 were ever in connivance with petitioner No.1 to purchase less land.

11. In view of the aforementioned discussion, so far as the petitioners No.2 to 6 are concerned, the continuance of the proceedings arising out of the complaint (Annexure P-1) and summoning order (Annexure P-2) would be nothing but an abuse of the process of the Court. Therefore, the complaint No.20 dated 23.05.2019 titled as 'Kirandeep Kaur versus Charanjit Singh and others' under Sections 302, 420, 465, 467, 468, 471, 120-B and 201 IPC (Annexure P-1), the summoning order dated 31.08.2021 (Annexure P-2) and all subsequent proceedings arising therefrom stand quashed qua petitioners No.2 to 6 only. However, the

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proceedings qua petitioner No.1/accused No.1-Charanjit Singh may continue in accordance with law.

12. The present petition is disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

August 07, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No