

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

**CRM-M No.40247 of 2019
DECIDED ON: 11.10.2023**

GURMUKH SINGH

....PETITIONER

VERSUS

JAGJIT SINGH AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amandeep Singh, Advocate for
 Mr. Balbir Singh, Advocate for the petitioner.

PANKAJ JAIN, J (ORAL)

1) This petition has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 19.01.2016, passed by Sub Divisional Judicial Magistrate as well as order dated 22.02.2019 passed by ASJ, Ludhiana.

2) Learned counsel for the petitioner submits that he is no more in contact with the petitioner and thus, appropriate order be passed.

3) From the records of the case, it is discernible that in the complaint preferred by the petitioner, respondent-accused was ordered to be discharged by SDJM, Payal by passing a detailed order dated 19.01.2016.

4) The primary allegation was leveled with respect to forgery of the sale deed executed by the complainant in favour of Jagjit Singh, Malkiat Singh and Gurmukh Singh. The Court found that in whole of the complaint, the complainant nowhere disputed his thumb impression/signatures on the sale deed. The accused were ordered to be discharged. The revision preferred by

the petitioners also stands dismissed by the Court observing as under:-

"In this complaint of the year 2004 the complainant asserted that earlier he was having dispute regarding land measuring 29B-8B. situate in Villages Seora and Patti Mangewal, with his brothers Lakha Singh and Thaker Singh who filed Civil Suit No.592 dated 25.8.1992 against this complainant. The same was dismissed on 24.2.1997 and appeal against it bearing No.18 of 6.6.1997 also was dismissed by the District Court, Ludhiana on 10.4.1999. During pendency of said suit all accused connived with each other and through scribe accused No.8 executed sale deed in question dated 9.6.1993 in favour of accused No.1 to 3. It was registered on 15.6.1993 and was with regard to land of complainant measuring 6B-2B. It was witnessed by accused No.4 and 5 while accused No.6 and 7 also had participated/conspired in such forgery. This sale deed was never executed by complainant. On such facts he had filed this complaint. In his pre-charge evidence he deposed CW1 and reiterated such version in his examination-in-chief which when tested on the anvil of cross-examination, failed to satisfy the conscience of the Court. In it he admitted that this sale deed was executed by Gurmukh Singh (name of complainant also is Gurmukh Singh) in favour of accused No.1 to 3 but he does not know about the quantum of sale price. He admitted that between the years 1993 and 2004 he had filed many complaints with the Police regarding these facts pertaining to alleged forgery of sale deed of the year 1993. He admitted that he had not challenged the sale deed in Civil Court ever and that he also has not challenged mutation proceedings relating to this sale deed. He admitted that at the asking of complainant (he himself is the complainant) the accused No.8 had scribed this sale deed. He then put at rest all doubts by conceding in candid words that this sale deed was executed by him in favour of accused No.1 to 3 who had not derived any wrongful gain and had not caused wrongful loss to him. He also admitted that accused No.8 is a licensed Deed Writer. He also conceded that he has not alleged in the complaint that the sale price regarding this sale deed was received by accused No.6 and 7. His wife stepped into witness box as

CW2. Her cross-examination is an interesting piece of evidence. She is in nuptial bond with CW1 living with him at same address and in those circumstances, it is next to impossible that she could not identify on record the signatures of her own husband. This CW1 suffered statement on 10.1.2005 in his preliminary evidence before the Ld. Trial Court in the current proceedings and signed that statement. He also suffered another statement on 29.5.2009 regarding closing of his evidence but this CW2 wife denied if these statements bear signatures of complainant CW1. This complainant CW1, during his pre-charge evidence, had suffered statement on 30.10.2015 which then was signed by him. These signatures again were denied by CW2. By such mere denial, on one side, she put in doubt the veracity of her truthfulness, but, simultaneously, she identified signatures of this CW1 on copy of the allegedly forged sale deed dated 9.6.2013 categorically stating that this bears signatures of CWI and this sale deed was executed by him in favour of accused No.1 to 3. In these circumstances, in my considered view, the Ld. Trial Court had no other option except to conclude that these witnesses had failed to even prima facie show if this sale deed dated 9.6.1993 was a forged document muchless that it was forged by accused party. The matter does not end there. The referred alleged forged original sale deed did not see light of the day. Without proving such original document the fact of forgery in context with it cannot be taken as existing. No Handwriting Expert was examined by complainant to disprove if such sale deed does not bear his signatures. Rather the oral depositions of this CW1 and of his wife CW2, summarized above, have brought out that this sale deed was executed by revisionist/complainant himself. In the light of such developments, Ld. Trial Court was left with no ground to frame charge regarding alleged forgery against accused. They were rightly discharged vide impugned order. I do not find any ground to interfere in it or to remand back the matter to the Ld. Trial Court when this order patently has been passed by it by duly exercising the vested jurisdiction."

- 5) Counsel for the petitioner has not been able to point out any infirmity in the impugned order. He could not point out any piece of evidence

not considered by the Courts below.

6) In view of the above, this Court does not find any reason to interfere while exercising its jurisdiction under Section 482 Cr.P.C.

7) Dismissed accordingly.

11.10.2023
mahima

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No