



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 7328 of 2024 (O&M)
Date of Decision: 24.05.2024

Neena Goyal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Niharika Mittal, Advocate
for the petitioner.

Mr. Athar Ahmad, Deputy Advocate General, Punjab
for respondent Nos. 1 to 3.

Mr. Shehbaz Thind, Advocate
for respondent No. 5.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 30.01.2024 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the evidence of prosecution was closed by Court order and the matter was adjourned for recording of defence witnesses.

[2] In the present case, FIR No. 39 dated 10.04.2012, under Sections, 420, 467, 468, 471 & 120-B of IPC, registered at Police Station Kotwali, Ludhiana, came to be registered at the instance of petitioner, alleging the forgery and fraud committed by private respondents with regard to execution of an agreement to sell dated 24.02.1996 & 14.05.2011. Though having been given sufficient opportunity to lead evidence, the prosecution

failed to produce the FSL report regarding comparison of signatures of the petitioner and her husband upon the agreements dated 24.02.1996 & 14.05.2011 respectively from their standard signatures. Resultantly, the trial Court closed the prosecution evidence vide order dated 30.01.2024 (P-5), which has been challenged by way of present petition.

[3] Learned counsel for the petitioner submits that the prosecution failed to produce the FSL report for the reason that original documents dated 24.02.1996 and 14.05.2011 formed part of Civil Court proceedings and thus, no comparison could be got done by the Investigating Agency, which resulted into causing serious prejudice to the rights of complainant-petitioner. She further submits that now the Deputy Director, Central Forensic Science Laboratory, Mohali, himself upon visiting the Civil Court has obtained photocopies of the aforementioned documents / agreements and upon comparison with the standard signatures of petitioner and her husband, a report dated 22.05.2024 has been prepared for its presentation before the trial Court. She also submits that in case the FSL report is not permitted to be produced on record as piece of evidence, the petitioner –complainant would suffer irreparable loss as the same is most relevant piece of evidence in support of the allegations levelled by her, thus, the impugned order needs to be set aside with an opportunity to the prosecution to produce and prove the said FSL report dated 22.05.2024.

[4] On the other hand, prayer made on behalf of the petitioner has been vehemently opposed at the instance of learned counsel representing the private respondent(s), while submitting that charges in the present case were framed on 05.12.2016 and thereafter, 62 opportunities were granted to the

prosecution to prove its case, however, despite consuming seven years, they did not care to get the signatures compared through FSL and as such, an indefeasible right arose in favour of private respondents. He also points out that even the FSL report now prepared on 22.05.2024 is based on comparison of photostat copies of the documents dated 24.02.1996 & 14.05.2011 with the standard signatures of the husband of petitioner as well as the petitioner and thus, report itself was not admissible in evidence. Lastly, learned counsel submits that in case the report is to be brought on record, the private respondents be also afforded an opportunity to rebut the same.

[5] After hearing learned counsel for the parties and gone through the paper-book, I find substance in the submissions made on behalf of the petitioner.

[6] In the present case, the basis of allegations against the private respondents is of having committed forgery and fabrication about the execution of agreements dated 24.02.1996 & 14.05.2011 and as such, the comparison of signatures thereupon with the specimen / standard signatures of the petitioner and her husband were most essential piece of evidence. Once, the process of comparison of signatures has been carried out vide report dated 22.05.2024, which has been prepared, in order to grant fair opportunity to the petitioner-complainant, it would be in the interest of justice that the same is made part of the prosecution evidence and is proved on record. No doubt there has been some delay on the part of the prosecution, while getting the signatures compared, however, as a part of it, is attributable to the pendency of the civil suits, the original documents dated

24.02.1996 & 14.05.2011 forming part thereof, the same cannot solely be made a ground to deny her an opportunity to make an effort to establish her allegations.

[7] Resultantly, in view of the discussion made hereinabove, the order dated 30.01.2024 (P-5) passed by learned Judicial Magistrate Ist Class, Ludhiana, is set aside. The prosecution is permitted to produce / prove on record FSL report dated 22.05.2024, however, the private respondents shall be at liberty to rebut the same.

[8] **Disposed off** accordingly.

May 24, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>