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

CRM-M-1507-2025 (O&M)

Date of decision : 14.01.2025

Harmesh Singh @ Harmesh Lal

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

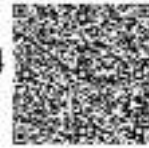
Present: Mr. Naresh Chander, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, '*the B.N.S.S.* ') for directing respondent Nos.2 & 3, to register an FIR against respondent No.4, on the allegations that he forged the signatures of petitioner while executing agreement to sell dated 04.01.2008.

2. Contends that on the basis of aforesaid agreement to sell, civil suit for specific performance was filed by respondent No.4, but the same has been dismissed by learned Civil Judge, Junior Division, Samrala vide judgment & decree dated 28.11.2023 (P-2). Also submits that learned trial Court, while deciding the suit in para 27 of the judgment has specifically observed that Ex.P-5 is illegal and fraudulent; hence a criminal offence is *prima facie* made out against respondent No.4. Also contends that till date, above judgment &

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decree is not challenged by respondent No.4 and as such, the same has attained finality.

3. Heard learned counsel for the petitioner and perused the paper-book.

4. Before proceeding further, it would be apposite to refer to the observations made by learned trial Court in para No.27 of the judgment (P-2), which reads as under:-

“27. Defendant no. 1 further got examined Navdeep Gupta, Hand Writing and Fingerprint Expert, as DW4, who furnished his report Ex.D13, along with photographic enlargements Ex. D14 to Ex. D23 in respect of the fact that the disputed signatures on the endorsement were not genuine signatures and were not written by Harmesh Lal, who wrote the standard signatures. The plaintiff had an opportunity to rebut the said evidence by getting a Handwriting and Fingerprint Expert examined in rebuttal evidence but he chose not to do so for reasons best known to him. Even to the naked eye, there appears to be a marked difference in the signatures of Harmesh Lal on endorsement Ex. P5 and on the agreement to sell Ex. P1. The endorsement Ex. P5, therefore, appears to be illegal and fraudulent.”

5. Perusal of the above extract reveals that learned trial Court, while dismissing the civil suit, has made certain observations against the plaintiff-respondent No.4, but the same will not warrant for registration of an FIR against him for the following reasons:-

- 1. The agreement to sell (Ex.P1) is alleged to have been executed way back on 04.01.2008;*
- 2. If at all, the petitioner is feeling aggrieved, he has the remedy under Section 340 of the Code of Criminal Procedure, 1973, before the same Court.*

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6. In view of the above, this Court is not inclined to issue any direction for registration of an FIR against respondent No.4.
7. Consequently, there is no option, except to dismiss the petition.
8. Ordered accordingly.
9. It is made clear that observations made above be not construed as an expression of opinion on the recourse that may be taken by petitioner against respondent No.4 and/or any other person(s).

Pending application(s), if any, shall stand disposed off.

14.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*

Whether reportable : *Yes / No*