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

CRM-M-49567-2025 (O&M)

Decided on: 15.10.2025

Jasvir Singh

..... Petitioner

Versus

Achhar Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. C.S. Jattana, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing of orders dated 19.04.2025 and 28.04.2022 passed by learned Additional Sessions Judge, Fatehgarh Sahib and learned JMIC, Fatehgarh Sahib, respectively, vide which complaint dated 28.03.2018 filed by the petitioner, has been dismissed.

2. Succinctly facts of the case are that the petitioner-complainant filed a complaint under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Badali Alla Singh, District Fatehgarh Sahib against the respondents. It was alleged that the respondents have forged the Will of Ujjagar Singh i.e. the grandfather of the petitioner in connivance with each other. The mutation was also sanctioned on the basis of the forged Will. This forged Will was used by the accused-respondents in a Civil Suit filed in the Court at Fatehgarh Sahib. It was, thus, prayed that the accused-respondents be summoned and punished in accordance with law for committing offence under Sections 420, 465, 467, 468, 471, 120-B IPC. Learned trial Court, out of total accused alleged in the complaint, summoned respondents No.1 to 4 and 8 to 10 vide its order dated



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27.11.2018, whereas, against respondents No.7 and 11 no case for summoning was found to have been made. Hereinafter, the trial Court evaluated the complaint filed on the basis of pre-charge evidence and found no case having been made out and thus, dismissed the complaint vide impugned order dated 28.04.2022. Aggrieved by the same, the petitioner assailed the order dated 28.04.2022 by way of filing revision petition before learned Revisional Court at Fatehgarh Sahib. After hearing, learned Revisional Court found no merit in the revision petition and dismissed the same vide order dated 19.04.2025 and thus, both the Courts below have given concurrent findings on the same. Hence, being aggrieved the petitioner has approached this Court by way of filing the present petition.

3. It has been submitted by learned counsel for the petitioner that Ujjagar Singh son of Nagiaya Singh, was grandfather of the petitioner-complainant, who died on 30.10.2006. He submits that grandfather of the petitioner was owner in possession of 641/6674 share in the land comprising Khewat No.41, Khatoni and Khasra numbers as mentioned in the petition, situated in village Tibmerpur, Tehsil & District Fatehgarh Sahib as per Jamabandi for the year 2000-2001. Father of the petitioner, namely, Kirpal Singh died on 09.03.2015. He has submitted that respondents No.1 to 4 and deceased Baldev Singh in connivance with respondents No.8 to 10 forged the Will of Ujjagar Singh dated 25.10.2006, whereas, deceased Ujjagar Singh never executed the alleged Will. The Will was prepared with thumb mark already on a blank paper and the same was proved by handwriting expert CW-3 Navdeep Gupta. He submits that respondents No.1 to 4 and deceased Baldev Singh are the beneficiaries of



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the said Will. He submits that Kirpal Singh i.e. father of the petitioner had filed a Civil Suit on 02.04.2007 titled as **Kirpal Singh vs. Baldev Singh**, regarding succession of deceased Ujjagar Singh on the basis of inheritance, however, during the pendency of the same, a compromise dated 13.01.2014 was entered into between the parties. Father of the petitioner prepared a sale deed dated 28.05.2014 of land measuring 06 Kanals 08 Marlas, which was signed by Harpreet Kaur, Kulwant Kaur, Kulwinder Kaur, Manjit Singh and father of the petitioner Kirpal Singh. He has submitted that the respondents had admitted the mistake and hence, they entered into a compromise, however, father of the petitioner Kirpal Singh went missing thereafter and his dead body was found in Bhakhra Canal. It is submitted that a complaint was filed by the petitioner against the respondents for committing offence under Sections 420, 465, 467, 468, 471, 120-B IPC and learned JMJC, Fatehgarh Sahib summoned respondents No.1 to 4 and 8 to 10 vide order dated 27.11.2018. However, learned trial Court misinterpreted the preliminary evidence led and thus, had illegally dismissed the complaint filed vide impugned order dated 28.04.2022. Learned Revisional Court had equally failed to appreciate the preliminary evidence led and thus, has drawn a wrong conclusion in dismissing the revision petition. He has further submitted that respondents No.1 to 6 had clandestinely participated in the occurrence of missing of his father Kirpal Singh. The petitioner filed a complaint regarding the same, but the police failed to take action. He submits that respondents No.1 to 4 and 8 to 10 had actively participated in forging the Will of grandfather of the petitioner and thus, are liable to be convicted and sentenced for committing offence as alleged. He submits that



the petitioner had suffered a loss of Rs.1 crore due to the fraud committed by accused-respondents. He, thus, submits that the impugned orders being unsustainable in the eyes of law, deserve to be set aside and the respondents are liable to be convicted and sentence in accordance with law.

4. Heard learned counsel for the petitioner and perused the record with his able assistance. As deciphered from the record of the case, the petitioner is the complainant, who filed the present complaint under Sections 420, 465, 467, 468, 471, 120-B IPC. On filing the complaint respondents No.1 to 4 and 8 to 10 were summoned by learned trial Court vide order dated 27.11.2018. Thereafter, preliminary evidence were led. Gurbachan Singh, Registry Clerk, appeared as CW-1, complainant appeared as CW-1 and Navdeep Gupta, Handwriting and Fingerprint Expert appeared as CW-3. Besides this, documentary evidence were also led by the petitioner. The ratio of the law referred by the petitioner had been appreciated by learned trial Court and the same had been found to be related with the civil case, which is based on preponderance of probability. However, for constituting offence on the criminal side, the parameters are different. No *prima facie* case as alleged is found to be made out. Learned trial Court has equally appreciated the pre-charge evidence led. Gurbachan Singh, Registry Clerk CW-1 exhibited certified copy of Will as Ex.C1, original Will as Ex.C2, endorsement of Will as Ex.C3 and signatures of Sub Registrar on Will as Ex.C4. It was deposed by CW-1 that the Will was duly executed and registered after publication in newspaper 'Rozana Chardikalan'. The complainant appeared as CW-2 and he deposed in his cross-examination that his grandfather Ujjagar Singh used to reside with his



uncle. He came to know about the Will in the year 2007. It was further deposed by him that his father filed a Civil Suit and proved the plaint of the Civil Suit as Ex.C8. The compromise arrived between the parties was exhibited as Ex.C7. Navdeep Gupta, Handwriting & Fingerprint Expert, who appeared as CW-3 had admitted that disputed Will dated 25.10.2006 was written by using one and same pen. He did not compare thumb impression affixed in the name of Ujjagar Singh on the disputed Will with any of the standard thumb impressions of the said person. Hence, on re-appreciation of evidence led, learned Revisional Court found no infirmity in the order passed by learned trial Court. As per law settled, at the time of framing of charge, the Court is not required to shift the evidence to see whether any *prima faice* case as alleged is made out for taking cognizance of the offence.

5. Hon'ble Supreme Court in **Bhawna Bai vs. Ghanshyam and others, 2020(1) RCR (Criminal) 370**, has held as under:-

“12. At the time of framing the charges, only prima facie case is to be seen; whether case is beyond reasonable doubt, is not to be seen at this stage. At the stage of framing the charge, the court has to see if there is sufficient ground for proceeding against the accused. While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.”

6. Parameters for invoking its power under Section 528 of BNSS, 2023 by this Court, have been laid by Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335**, which read as under:-

“102. In the backdrop of the interpretation of the



various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

- (1) “Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) Where the allegations made in the FIR or complaint are so



absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

7. Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303**, has further held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous



and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction

to quash the criminal proceeding.”

8. Needless to say that there are concurrent findings of both the Courts below. Hence, weighing the facts and circumstances of the present case on the anvil of law settled, this Court does not find any infirmity in the conclusion arrived at by both the Courts below. Thus, the present petition being devoid of any merit, is hereby dismissed.

15.10.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No