

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

CRM-M-12813-2023 (O&M)

Date of Decision: 25.03.2026

Prabhmeet Singh

...Petitioner

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ankur Bansal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Code of Criminal Procedure with a prayer to quash the impugned order dated 09.11.2022 (Annexure P-1) passed in case No.SC-531 dated 19.10.2021, titled as "*State versus Vishal Singh and others*", arising out of FIR No. 158 dated 11.12.2020, under Sections 302, 148, 149 and 120-B IPC, registered at Police Station Division No. 2, Jalandhar, whereby the petitioner has been ordered to be summoned as an additional accused under Section 319 Cr.P.C.

2. A short reply by way of an affidavit of the Assistant Commissioner of Police (Central), Police Commissionerate, Jalandhar, has been filed on behalf of the respondent-State and the same is taken on record.

3. In the present case, the petitioner, namely, "Prabhmeet Singh S/o Paramjit Singh" was specifically named in the FIR (Annexure P-1). However, it appears that while translating the copy of the FIR, the name of the petitioner

has been wrongly mentioned as “Preet”. Even in the challan, the name of the petitioner has been wrongly mentioned as “Preet”, instead of “Prabh”.

4. By taking advantage of a wrong translation, learned counsel for the petitioner argued that the petitioner was not named in the FIR.

5. At this stage, learned State counsel pointed out that the petitioner was specifically named in the FIR by the complainant and a wrong translation of FIR and challan has been presented before this Court, just to mislead this Court.

6. In fact, this Court has no hesitation to observe that the advocates for the parties are obliged to act as officers of the Court for assisting the Court consistent with their duties imposed under the Advocates Act, 1961 read with the Bar Council Rules. Even, it is equally true that the lawyers are duty bound towards the Court as well as the client and they should balance the same. It is not the part of the etiquette of the members of the profession to misguide the Court or to present wrong translations of the important documents, which could be relied upon by the Courts in deciding the fate of the cases. The advocates, being officers of the Court, should keep in mind that the institution comes first and they are under a legal duty to assist the Court fairly. Even though, this Court was inclined to initiate action in the present case, but taking a lenient view of the matter, the Court is simply dismissing the petition on the ground of concealment of the material facts. In fact, the Hon’ble Supreme Court has held in the matter of **“K.D Sharma Vs. Steel Authority of India Ltd. and others”**, **2009(Sup) AIR Supreme Court 1309**, as follows:-

“15. It is well settled that "fraud avoids all judicial acts, ecclesiastical or temporal" proclaimed Chief Justice Edward Coke

of England before about three centuries. Reference was made by the counsel to a leading decision of this Court in S.P. Chengalvaraya Naidu (Dead) by Lrs. v. Jagannath (Dead) by Lrs. & Ors., (1994) 1 SCC 1 wherein quoting the above observations, this Court held that a judgment/decree obtained by fraud has to be treated as a nullity by every Court.

16. *Reference was also made to a recent decision of this Court in A.V. Papayya Sastry & Ors. v. Govt. of A.P. & Ors., (2007) 4 SCC 221. Considering English and Indian cases, one of us (C.K. Thakker, J.) stated:*

"It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order by the first Court or by the final Court has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings".

17. *The Court defined fraud as an act of deliberate deception with the design of securing something by taking unfair advantage of another. In fraud one gains at the loss and cost of another. Even the most solemn proceedings stand vitiated if they are actuated by fraud. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam."*

7. As a result of the about discussion, the present petition is ordered to be dismissed.
8. Pending application, if any, stands also disposed of, accordingly.

25.03.2026

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(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No