



CRM-M-27282-2016

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

Sr. No.282-2**CRM-M-27282-2016****Reserved on:-08.04.2026****Pronounced on:-16.04.2026****Uploaded on:- _____**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

LAKHBIR SINGH AND ANR.**...Petitioners****Versus****STATE OF PUNJAB AND ANR.****....Respondents****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Satbir Rathoure, Advocate
for the petitioners.

Mr. Rituraj Singh, DAG, Punjab.

Mr. Rajiv Joshi, Advocate
for respondent No.2.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 Cr.P.C. with a prayer for quashing of the revisional order dated 03.05.2016 (Annexure P-5) passed by the learned Additional Sessions Judge, Jalandhar, whereby the revision petition filed against the summoning order dated 07.09.2015 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Phillaur, has been dismissed. Vide the said summoning order, the petitioners have been summoned to face trial under Sections 465, 467, 468,



471, 474, 420 and 120-B IPC in complaint case No. 06/2015 titled “*Avtar Singh versus Lakhbir Singh and others*”.

2. Briefly stated, the case of the complainant is that he is an NRI residing in the U.K. since the year 1965 and is the owner of residential house and agricultural land situated in Village Bilga. Accused No.1 is his real brother and accused No.2 is the wife of accused No.1, both residing in the said village. It is alleged that accused No.1 bore a grudge against the complainant and, during the period when he was in custody in the U.K., he got prepared a false and fabricated power of attorney in the name of the complainant in favour of accused No.2. On the basis of the said forged power of attorney, accused Nos.1 and 2, in connivance with other accused, allegedly executed various sale deeds dated 25.01.2013, 08.02.2013 and 25.04.2014 in respect of the complainant’s property with an intention to grab the same. It is further alleged that accused No.3 to 7 assisted in preparation of the forged documents. The complainant claims that he came to know about these acts in the year 2014 and, despite approaching the police authorities, no action was taken, compelling him to file the present complaint. The learned Judicial Magistrate Ist Class, Phillaur, vide order dated 07.09.2015, after considering the preliminary evidence led by the complainant and the documents placed on record, found that a *prima facie* case was made out against the accused. Accordingly, the accused were summoned to face trial for offences punishable under Sections 465, 467, 468, 471, 474, 420 and 120-B IPC.

3. Feeling aggrieved by the above-said order of summoning, accused Nos.1 and 2, namely Lakhbir Singh and Gurdev Kaur, preferred a



revision petition against the complainant/respondent with a prayer to set aside the summoning order. The learned Additional Sessions Judge, Jalandhar, after hearing the learned counsel for the parties and perusing the record of the trial court, held that the scope of revisional jurisdiction under Section 397 Cr.P.C. is limited and does not extend to re-appreciation of evidence at the stage of summoning. It was observed that where *prima facie* evidence exists, the Magistrate is justified in issuing process and the defence of the accused cannot be considered at that stage. The revisional court further held that the complaint was within limitation in view of the nature of offences involved and that the trial court had the territorial jurisdiction as the alleged forged power of attorney and subsequent sale deeds were connected and formed part of the same transaction within the jurisdiction of Police Station Bilga. It was also observed that the allegations and material on record disclosed a *prima facie* case against the accused and that the petitioners would have adequate opportunity to raise their defence during trial. Consequently, finding no illegality or perversity in the summoning order passed by the learned trial court, the revision petition was dismissed being devoid of merit. Feeling aggrieved by the above said orders passed by the learned Judicial Magistrate Ist Class, Phillaur as well as by the learned revisional court, the present petition has been filed under Section 482 Cr.P.C. for quashing of the summoning order as well as the revisional order.

4. It has been contended on behalf of the petitioners that the impugned orders are liable to be set aside as the same have been passed without proper application of mind and without jurisdiction. It is argued that the alleged power of attorney was executed in England and unless the same



is declared forged by a competent court in England, no proceedings for offences under Sections 468, 471, 474, 420 IPC can be sustained in India. It is further contended that the complaint suffers from inordinate delay, as the alleged power of attorney is of the year 2002 whereas the complaint has been filed after about 12 years, which is beyond the period of limitation prescribed under law. It is also argued that the complainant had knowledge of the execution of the power of attorney and had even participated in the same, and therefore, he is estopped from challenging the same at a belated stage. Learned counsel further submits that the dispute, if any, is purely civil in nature and has already been made subject matter of civil proceedings and earlier complaints, and thus, the present complaint is an abuse of the process of law. It is also argued that the courts in India lack territorial jurisdiction to entertain the complaint regarding alleged forgery committed in England.

5. Per contra, learned State counsel assisted by learned counsel for respondent No.2, has argued that the present petition is devoid of merit and has been rightly dismissed by the revisional court. It is submitted that the complainant has specifically alleged that the accused persons, in connivance with each other, forged and fabricated a power of attorney and on the basis thereof executed various sale deeds in respect of the property situated within the jurisdiction of Police Station Bilga. It is further submitted that the complainant came to know about the alleged fraud only in the year 2014 and promptly initiated proceedings thereafter, and therefore, there is no unexplained delay. It is also contended that the question whether the power of attorney is genuine or forged is a matter of evidence which cannot be adjudicated at the stage of summoning. Learned counsel further submits that



the trial court, after appreciating the preliminary evidence, has rightly found a *prima facie* case and summoned the accused, and the revisional court has rightly declined to interfere with the same.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance. At the outset, it is to be noted that the scope of interference by this Court in exercise of inherent jurisdiction under Section 482 Cr.P.C. against a summoning order is very limited. At the stage of summoning, the Magistrate is only required to see whether a *prima facie* case is made out on the basis of the material placed before him. A meticulous examination of evidence or adjudication upon the defence of the accused is neither warranted nor permissible at this stage. In the present case, a perusal of the complaint and the preliminary evidence led by the complainant would show that specific allegations have been levelled against the petitioners regarding forging and fabricating a power of attorney and thereafter executing sale deeds of the property of the complainant. The learned trial court, after considering the oral as well as documentary evidence, has recorded its satisfaction regarding existence of sufficient grounds to proceed against the accused for the offences in question. The revisional court has also examined the matter and has found no illegality or perversity in the order passed by the trial court. The contention of the petitioners regarding lack of jurisdiction on the ground that the power of attorney was executed in England is misconceived. The allegations in the complaint clearly disclose that the subsequent acts, namely execution and registration of sale deeds on the basis of the alleged forged power of attorney, have taken place within the jurisdiction of the trial court. Thus, the



cause of action is not confined to the place where the power of attorney was executed, but extends to the acts committed within the local jurisdiction of the trial court.

7. Similarly, the plea of limitation raised by the petitioners does not merit acceptance at this stage. The complainant has specifically averred that he came to know about the alleged fraud only in the year 2014. Whether the complaint is within limitation or not is a mixed question of law and fact, which can be appropriately determined only after evidence is led by the parties. The argument that the dispute is of civil nature also cannot be a ground to quash the criminal proceedings when the allegations in the complaint *prima facie* disclose commission of cognizable offences. It is well settled that merely because a civil remedy is available, the criminal proceedings cannot be quashed if the ingredients of the alleged offences are made out. The plea that the complainant had knowledge of the execution of the power of attorney and had participated therein, as well as the plea that the document is genuine, are all matters of defence, which require appreciation of evidence and cannot be adjudicated upon in proceedings under Section 482 Cr.P.C.

8. In view of the above, this Court finds that the impugned summoning order passed by the learned trial court as well as the order passed by the learned revisional court do not suffer from any illegality, perversity or jurisdictional error warranting interference by this Court in exercise of its inherent powers.

9. Consequently, the present petition, being devoid of merit, is hereby dismissed.

10. However, it is clarified that nothing observed herein shall be construed as an expression on the merits of the case.

11. All pending applications, if any, also stand disposed of.

16.04.2026
Anu

(MANDEEP PANNU)
JUDGE

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