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

**CRM-A-89-2022 (O&M)
Date of decision:13.02.2025**

Karan Singh

... Applicant

Vs.

State of Haryana & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH.
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Nitin Sachdeva, Advocate as amicus curiae,
for the applicant.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

...

SUKHVINDER KAUR, J.

1. Applicant – Karan Singh has preferred the instant application under Section 378(3) Cr.P.C. seeking leave to appeal against judgment dated 07.03.2020 passed by learned Additional Sessions Judge, Charkhi Dadri, vide which respondent No.2, Kapoor Singh has been acquitted of offences punishable under Sections 420/467/468/471/120-B IPC.

2. Factual scenario, as highlighted by prosecution is that complainant Karan Singh moved complaint dated 11.08.2009 that he was owner of land measuring 44 Kanal 0 Marla, situated in revenue estate of village Ranila. He obtained loan by mortgaging that land with Central Bank, Sanjarwas. As he was in the need of money, he executed an agreement to sell dated 26.11.2008 qua land measuring 12 Kanal in



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favour of convict/ respondent No.2 Kapoor Singh for consideration of Rs.11,25,000/-. On 08.06.2009, convict Kapoor Singh came to complainant and asked him to come to Bank for clearance of the loan, so that, sale deed qua 12 Kanal land could be executed. The complainant accompanied Kapoor Singh to the Bank. Convict-Kapoor Singh went inside the Bank while leaving the complainant sitting outside. After coming out from the Bank, he told the complainant that loan had been cleared. Thereafter, Kapoor Singh brought the complainant to Sub Tehsil compound and asked him to sit outside Tehsil complex and served him with a cup of tea. On taking tea, the complainant felt intoxicated. On 12.06.2009, the convict asked for registration of sale deed of land measuring 12 Kanal and the complainant got sale deed executed and registered for land measuring 12 Kanal. When the complainant inquired from Halqa Patwari then he came to know that his entire land measuring 44 Kanal had been got transferred fraudulently by the convict/ respondent No.2 Kapoor Singh in conspiracy with respondent No.3 Lalit and others by executing sale deed No.279 dated 08.06.2009 for land measuring 32 Kanal and registered sale deed dated 12.06.2009 for land measuring 12 Kanal. A Panchayat was convened in the village but was of no avail. It was also alleged that the Stamp Vendor, Numberdar and witnesses had also been involved in cheating and forgery. On the basis of the said complaint of the complainant, formal FIR against the accused persons was registered under Sections 420, 467, 468, 471 and 120-B IPC. After completion of



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investigation, challan under Section 173 of Cr.P.C. was submitted in the Court.

3. After trial, trial court after finding prima facie case under Section 420, 467, 468, 471 and 120-B IPC charge sheeted the accused for the said offences to which they did not plead guilty and claimed trial.

4. Trial Court held guilty Lalit, Ved Pal and Kapoor Singh for commission of offences punishable under Sections 420/467/168/471 read with 120-B IPC.

5. Feeling aggrieved with the judgment and order dated 10.02.2016/16.02.2016, respondent No.2 filed criminal appeal No.RBT-130-2016/2017 while other accused Lalit and Ved Pal filed criminal appeal bearing RBT-36-2016/2017 before learned Additional Sessions Judge, Charkhi Dadri.

6. Learned Appellate Court held that from the version of witnesses of prosecution, it is not proved that accused Lalit and Ved Pal were beneficiaries of transaction vide sale deed Ex.P3. Accused Ved Pal was Lamberdar of village and accused Lalit was co-villager of accused Kapoor Singh and they were not related to Kapoor Singh in any manner. It held that there was no evidence either direct or circumstantial to prove that accused Kapoor Singh ever conspired with other co-accused Lalit and Ved Pal and accused Lalit being co-villager and accused Ved Pal being Lamberdar accompanied the parties in good faith to testify the sale deed Ex.P3 as attesting witness. When accused Lalit and Ved Pal were neither



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having malafide intention nor dishonest intention while attesting sale deed Ex.P3 as attesting witnesses and identifying the genuine executant and purchaser, then they cannot be held guilty for any of offences in this case and said part of finding recorded by the trial Court was set aside.

7. Learned Appellate Court further held that if version of all the witnesses of prosecution is taken to be correct and true, even then no offence under Section 467/468 and 471 IPC was made out in the present case because these offences relate to the aspect of commission of forgery. For constituting the offence of forgery either some documents must be forged or false documents must be prepared, but in the present case neither any document had been forged nor any false document had been prepared. Executant of sale deed Ex.P3 and its purchaser were genuine persons and neither the executant nor the purchaser as well as the attesting witnesses were impersonated. It was observed that when certain document is executed by the original and genuine parties it does not constitute commission of offence under Sections 467/468/471 IPC and judgment of conviction passed by the trial Court relating to offences punishable under Sections 467/468/471 IPC against accused Kapoor Singh was set aside.

8. Regarding offence punishable under Section 420 IPC, qua accused Kapoor Singh, learned Appellate Court held that commission of cheating with dishonest intention stood proved in present case not only from oral version of witnesses examined but also from the factum, that initially an agreement to sell was executed between complainant and



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convict Kapoor Singh qua land measuring 12 kanals only. If there had been no dishonest intention on the part of convict Kapoor Singh in executing the sale deed Ex.P3 by committing fraud and misrepresentation upon complainant, sale deed Ex.P1 should have been got executed and registered firstly, because parties had entered into agreement to sell dated 26.11.2008 qua land measuring 12 kanals. Execution of another sale deed Ex.P3, without completing transaction of aforesaid agreement clearly indicate that convict Kapoor Singh was having dishonest intention and he committed fraud and cheating upon the complainant in getting sale deed Ex.P3 executed for land measuring 32 kanals which the complainant never agreed to sell. It was held that defence also failed to falsify version of witnesses examined by the prosecution, on the aspect of commission of offence of cheating by convict Kapoor Singh upon complainant and appeal filed by convict Kapoor Singh with regard to his conviction under Section 420 IPC was found without any substance and was partly allowed. Judgment of conviction and order of sentence against Kapoor Singh for offences under Sections 467/468/471 read with Section 120-B IPC was reversed and set aside, but his conviction under Section 420 IPC was affirmed.

9. Thereafter complainant and convict Kapoor Singh moved application before the Appellate Court seeking permission to compound the offence in the light of terms and conditions of compromise deed Ex.CX. In view of contents of Ex.CX and statements suffered by both the



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parties, they were allowed to compound the offence and as a result of aforesaid compounding of offence, conviction of convict Kapoor Singh under Section 420 IPC was set aside and he was also acquitted.

10. Now the present appeal before this Court has been filed by the complainant on the ground that respondent No.2 Kapoor Singh has again started making false complaints against the appellant with a view to harass and humiliate him.

11. Learned counsel for the appellant has contended that the appellant is completely blind and by committing fraud with the appellant his land was grabbed by respondent No.2. On conviction he compromised the matter with the appellant but after his acquittal he again started harassing the appellant which is contrary to the terms of the compromise. He submitted that respondent No.2 after his acquittal is making false complaints against the appellant. Though he has compromised the matter yet he is not obeying the terms and conditions of the compromise and has backed out and violated the terms of the compromise. He urged that since respondent No.2 has violated the terms of compromise hence judgment under appeal dated 07.03.2020 be set aside and matter be decided on merits.

12. Perusal of impugned judgment reveals that in para 15 of the said judgment, it has been mentioned as under:

“At this stage, the complainant and appellant-convict Kapoor Singh have moved application seeking permission to compound the offence. The complainant Karan Singh has



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been duly compensated on returning land measuring 32 Kanal 0 Marla. They are residents of same village and they have resolved their dispute with the intervention of the respectables. Keeping in view that the complainant is duly compensated, requisite permission to compound the offence is hereby granted. Joint statement of appellant-convict Kapoor Singh and complainant Karan Singh has been recorded separately in this regard. The compromise between the parties has arrived in the light of terms and conditions of deed Ex.CX, which is duly signed by the parties thereto and has been placed on the file. In the compromise, it is reflected that the complainant and appellant-convict have mitigated their dispute and have agreed to live peacefully.

In view of the contents of the compromise Ex.CX and the statement of the parties, they are allowed to compound the offence. As a result of the aforesaid compounding, the conviction of the appellant-convict Kapoor Singh under Section 420 IPC is hereby set aside. The appellant-convict Kapoor Singh stands acquitted.”

13. Thus it is clear from the judgment of learned Appellate Court that offence under Section 420 IPC qua convict/respondent No.2 Kapoor Singh was compounded in the light of terms and conditions of compromise Ex.CX between the parties, which was duly signed by the parties and statements of the parties were also recorded in the Court in this context.

14. Perusal of record reveals that both the complainant and convict/respondent No.2 Kapoor Singh suffered joint statement before learned Appellate Court that by way of compromise they had settled



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dispute between them. As per settlement and compromise land measuring 32 kanals 0 marlas had been returned in favour of complainant. Charges of the bank had also been cleared by convict Kapoor Singh. Mutation of land had also been got sanctioned in favour of the complainant. The Regular Second Appeal filed by convict Kapoor Singh had been withdrawn. They further stated that complainant stand duly compensated by way of settlement. They are residents of the same village. With the intervention of respectables of the locality and to maintain harmony they have settled their dispute in the light of compromise deed Ex.CX. The settlement and compromise had arrived between them with their free will and consent and without any threat pressure or coercion. In view of the settlement and compromise between them offence may be compounded and appeal be disposed of accordingly.

15. Taking into view the aforesaid statement suffered by complainant and convict Kapoor Singh and compromise Ex.CX effected between the parties, offence under Section 420 IPC qua convict Kapoor Singh was compounded resulting into his acquittal.

16. The present appeal has been filed on the vague ground that respondent No.2 has again started making false complaints against the appellant with a view to harass and humiliate him. No details of any such false complaint has been mentioned. Again it has not been specified that which terms and conditions of compromise Ex.CX have been violated. Just vague allegations have been made that respondent No.2 is not



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obeying the terms of the compromise and had backed out/violated the terms of the compromise. Otherwise also the prayer for deciding the case on merits is misconceived. Only after considering the merits, the learned Appellate Court held that only commission of offence under Section 420 was proved and thereafter offence under Section 420 IPC qua respondent No.2 Kapoor Singh was compounded.

17. No other argument has been addressed. Learned counsel for the appellant has been unable to point any illegality, infirmity or perversity in the impugned judgment dated 07.03.2010 which calls for interference.

18. In view of the above, no ground is made out for grant of leave to appeal against this judgment of acquittal and the same being devoid of any merit is accordingly declined. Appeal is dismissed.

19. Pending application(s), if any, also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

(SUDHIR SINGH)
JUDGE

13.02.2025

harjeet

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No