

V.D. Handa Vs. Vipul Handa

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Court : Madhya Pradesh

Decided On : Mar-07-2001

Reported in : 2001CriLJ3454; 2001(2)MPHT133; 2001(2)MPLJ688

Judge : Mr. S.P. Khare, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 200, 204 and 482;
[Indian Penal Code \(IPC\), 1860](#) - Sections 420, 467 and 468

Appeal No. : Misc. Criminal Case No. 7113/2000

Appellant : V.D. Handa

Respondent : Vipul Handa

Advocate for Def. : Shri Sujoy Paul, Adv.

Advocate for Pet/Ap. : Shri A.G. Dhande, Adv.

Disposition : Misc. criminal case dismissed

Judgement :

ORDER

S.P. Khare, J.

1. This is a petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter to be referred to as the Code) for quashing the order dated 21-8-2000

of the Chief Judicial Magistrate, Satna in Criminal Case No. 1186 of 2000 by which a complaint has been registered under Sections 420, 467 and 468, IPC against applicant V.D. Handa and process has been issued against him.

2. Sitaram Handa had executed a Will dated 1-6-1968. He was owner of a plot 120 x 67 sq. ft. khasra No. 264/3 in Simaria Chowk, Satna. Half of this plot was bequeathed by him to his wife Prakash Devi. She obtained a probate in respect of her share of the plot in probate case No. 1 -A/69 from the Court of Additional Sessions Judge, Salna. The original Will was produced in the probate case.

3. The case of the complainant Vipul Handa in the complaint is that the carbon copy of the Will in the office of the Sub-Registrar has been partly forged by applicant V.D. Handa. That part has been shown in margin of the copy of the Will. This endorsement which is said to be forged did not find place in original Will. The complainant has obtained a certified copy of that Will from the probate case and that proves that the copy available in the office of the Sub-Registrar has been forged.

4. It is argued on behalf of the applicant that he could not have access to the record of the Sub-Registrar and therefore, the allegation of the complainant is inherently improbable. It is further argued that the dispute between the parties is of civil nature and therefore, a criminal complaint could not be entertained.

5. After hearing arguments of both the sides this Court is of the opinion that no interference is called for in exercise of the power under Section 482 of the Code. In the complaint it has been asserted that the accused has committed forgery in the carbon copy of the Will in the office of the Sub-Registrar and prima facie that allegation does not find place in the certified copy of the Will. On a comparison of the copy of the Will obtained from the office of the Sub-Registrar and the copy of the Will obtained from the probate Court, it is apparent that there is a discrepancy. Keeping in view the allegation in the complaint, statements of the witnesses under Section 200 of the Code and the documents on record, this Court is satisfied that there was sufficient ground for proceeding against the applicant and issuing process under Section 204 of the Code. There is no abuse of the process of the Court. The decision of the Supreme Court in Pepsi Foods Ltd. v. Special Judicial

Magistrate, 1998 (1) MPLJ 494 cited on behalf of the applicant does not apply to the facts of the present case. In Channaveere Gowda v. Sanne Gowda, 2000 AIR SCW 4673, it has been held that the High Court should not quash the order issuing the process after assessing the reliability of the evidence. In Trisuns Chemical Industry v. Rajesh Agarwal, (1999) 8 SCC 686, it has been observed that merely because an act has a civil profile is not sufficient to denude it of its criminal outfit. Therefore, in the present case there are no good reasons to axe down the complaint at the threshold itself.

6. This petition is dismissed.

7. Misc. Criminal Case dismissed.

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