

MCRC-1987-2012

(PRITHVIRAJ SINGH Vs STATE OF M.P.)

02-12-2015

Parties through their counsel.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashment of the F.I.R. lodged on 17.02.2012.

Facts of the case reveal that a complaint was lodged by one Colonel Ravindra Singh-respondent No.2 against the present applicant Prithviraj Singh stating that fraudulently a sale deed has been executed by Prithviraj Singh on 30.03.1967 through his father.

Learned Magistrate has directed the police authorities to take action in the matter and the police authorities has registered a F.I.R. by taking recourse of Section 156 (3) of the Cr.P.C.

Learned counsel appearing for the applicant has vehemently argued before this Court that the date-of-birth of the applicant is 17.03.1962 and he was a child aged about 4 years at the relevant point of time and by no stretch of imagination, F.I.R. can be lodged for some offence which has not been committed by the child in respect of the sale deed and he was not a signatory also in respect of the sale deed in question. It is an undisputed fact that that the child, aged about 4 years has not signed the sale deed and same has been signed by his father.

In the present case, the father of the applicant is no

more. It is only the applicant against whom there is an allegation that he has executed a sale deed when he was a four years old child. Police authorities have registered a case under Sections 420, 467, 468, 471, 34 of IPC against the present applicant and father of the applicant, who is no more.

Learned counsel for the respondent No.2 has also not disputed the fact that the applicant has not signed the sale deed.

This Court, after careful consideration of the F.I.R. and after hearing the learned counsel for the parties and also after perusal of the certificate, which is on record and the same reflects the date-of-birth of the applicant as 17.03.1962, really fails to understand as to how the criminal proceedings are maintainable against the present applicant, who was a child of 4 years at the relevant point of time when the sale deed was executed on his behalf by his father.

Section 82 of IPC read as under: -

â82 â Act of a child under seven years of age â Nothing is an offence which is done by a child under seven years of age.â

The aforesaid statutory provision of law makes it very clear that nothing is an offence which is done by a child under seven years of age. Therefore, this Court is of the considered opinion that the F.I.R. registered at crime No.67/2012 against the present applicant deserves to be and is accordingly quashed.

This Court is of the considered opinion that once it has been established before this Court that the applicant was aged 4 years at the relevant time, the question of initiating proceedings against the applicant does not arise. The present petition preferred under Section 482 of Cr.P.C. stands allowed.

(S.C.SHARMA)
JUDGE