

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 255

Criminal Miscellaneous No.M-1995 of 2007 (O & M)
Date of Decision: May 28, 2015

Lt. Col. Surinder Pal Singh

..... PETITIONER

VERSUS

State of Haryana & others

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Sudhir Sharma, Advocate, for the petitioner.

Mr. Charanjit Singh Bakhshi, Additional Advocate General,
Haryana.

Mr. K.S. Dhaliwal, Advocate, for respondent Nos.4 and 5.

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Jaspal Singh, J

1. This is a petition preferred by Lt. Col. Surinder Pal Singh under Section 482 Cr.P.C. seeking issuance of direction to respondent Nos.1 to 3 for registration of case under Sections 302, 201, 120-B IPC against respondent Nos.4 and 5 for committing murder of his father – Ranjit Singh, IAS, and cremating his dead body during intervening night of May 10/11, 2005 as well as for entrusting investigation of the case to some independent agency like CBI.

2. Notice of motion of this petition was issued to Advocate General, Haryana, for February 15, 2007 only for limited purpose of producing records of investigation as reflected in communication dated June 28, 2006 (Annexure P-7).

3. While developing his arguments, learned counsel for the petitioner contended that Ranjit Singh, IAS (since deceased) was his father. Petitioner took birth from the womb of Ms. Maya Rani who breathed her last on June 10, 1989. He being the only son of Ranjit Singh was successor to the entire property, movable & immovable, left by him. Respondent No.4 – Shristra Devi has been posing as wife of Ranjit Singh and respondent No.5 – Amit Pal Singh claims himself to be son of Ranjit Singh from the womb of respondent No.4. Respondent No.4 earlier succeeded in obtaining a collusive decree through Civil Suit No.367 dated September 28, 1995, decided on November 30, 1995 in respect of property owned and possessed by Ranjit Singh and on the basis thereof, she also succeeded in getting mutation sanctioned in her favour. Besides, respondent No.4 also claims to have got a Will in her favour dated June 9, 1998 from Ranjit Singh, in order to grab the property owned and possessed by said Ranjit Singh. All these facts were not disclosed to petitioner, at any point of time, who has been serving in Armed forces. After his retirement, Ranjit Singh had been residing at village Pipaltha, who was a well known figure in the area. On May 10, 2005, respondent Nos.4 and 5, in order to usurp the property of Ranjit Singh, committed his murder and his dead body was consigned to flames in the intervening night of May 10/11, 2005. When petitioner was serving in armed forces and posted at Mizoram. A false DDR was also got recorded by respondent No.5 at Police Post, Pipaltha on May 11, 2005 at 11:15 AM unfolding that at about 2/2:30 PM, while parking car bearing No.HR-13D-0088 by the deceased, a pet dog came in front of it and in order to save the said dog, Ranjit Singh struck the car against pillar of verandah. As a result

of impact, verandah fell upon the car which resulted into causing the death of Ranjit Singh. Subsequently, a new story was coined by respondent No.4 and a case under Section 304-A IPC was registered against respondent No.5 that due to rash and negligent driving of said car by respondent No.5, it met with an accident in which Ranjit Singh lost his life but the same were found to be false. Ultimately, respondent No.4 did not support the version before Trial Court as a result whereof respondent No.5 succeeded in getting acquittal.

4. All these facts came to the notice of petitioner when he returned from Mizoram on receipt of information regarding death of his father. Since petitioner was fully satisfied that his father Ranjit Singh has been murdered by respondent Nos.4 and 5 in order to grab his property, he approached respondent No.3 – SHO, Police Station, Garhi, Tehsil Narwana, District Jind and narrated him all the above facts. He assured the petitioner to take action but neither he registered any case nor initiated any proceeding against respondent Nos.4 and 5. He also lodged a complaint dated June 7, 2005 to higher authorities including Director General of Police, Haryana, which was forwarded to Superintendent of Police, Jind, but even then, no action was taken against respondent Nos.4 and 5. Ultimately, petitioner was constrained to file instant petition seeking registration of FIR against respondent Nos.4 and 5 under Section 302, 201, 120-B IPC and further that investigation of the case after registration of FIR be entrusted to some independent agency.

5. While concluding his arguments, learned counsel for the petitioner has submitted that since complaint moved to the DGP, Haryana, as well as other documents accompanying it, discloses commission of cognizable offence, police is/was bound to register the case against respondent Nos.4 and 5 and to conduct investigation.

6. Per contra, learned State counsel as well as learned counsel representing respondent Nos.4 and 5, have strongly opposed the submissions made by learned counsel for the petitioner and have submitted that complaint filed before DGP, Haryana on June 7, 2005 has been thoroughly enquired into by Mr. Ved Parkash Godara, the then Superintendent of Police, Narwana, and on enquiry, allegations levelled by petitioner against respondent Nos.4 and 5 were not established. During enquiry, it also revealed that dead body of Ranjit Singh was cremated on the day of his demise after getting expressed consent (telephonically) from petitioner, who, at that time was serving at Mizoram and it was not possible for him to reach village Pipaltha in next 2/3 days. He arrived at village Pipaltha on the intervening night of May 12/13, 2005 and got completed the ceremonies/rites. No complaint was moved by him to police till he appeared before the DGP on June 7, 2005. On enquiry, it was also found that there is certain dispute over the property in between petitioner and respondent No.4 who are levelling allegations and counter allegations against each other. Learned counsel for the respondents, accordingly, prayed for dismissal of the petition.

7. This court has given an anxious thought to submissions made by learned counsel for the parties and scanned the documents available.

8. It is an undisputed fact that Ranjit Singh (since deceased) retired as IAS officer and was permanently settled at village Pipaltha in District Jind where he was having movable as well as immovable property. It is also undisputed fact that petitioner is son of Ms. Maya Rani whereas respondent no.5 is son of Ranjit Singh from respondent No.4 – Shrista Devi. There is a civil dispute in respect of property owned and possessed by Ranjit Singh. Mere fact that dead body of Ranjit Singh was cremated on the day of his demise itself no ground to infer that respondent Nos.4 and 5, in connivance with each other, committed murder of

Ranjit Singh just to usurp the property owned and possessed by him. No complaint was lodged by the petitioner before June 7, 2005 though he reached village Pipaltha on the intervening night of May 12/13, 2005. Allegations were enquired into by a senior police officer which were also found to be false.

9. Moreover, it is well settled proposition of law that petition under Section 482 Cr.P.C. is not maintainable if there is alternative or any other efficacious remedy available to petitioner. In the case in hand, if petitioner is not satisfied with the enquiry conducted by police in respect of cause of death of his father Ranjit Singh, he has got a legal remedy to lodge a regular complaint before learned Illaqa Magistrate or to initiate proceedings under Section 156(3) Cr.P.C. and to proceed with the same. But, after filing of instant petition in the year 2007, no such effort appears to have been made by him. Though, there are allegations and counter allegations levelled by petitioner as well as respondent Nos.4 and 5, this Court is of the considered view that since other efficacious remedy is available to the petitioner to redress his grievances, petition under Section 482 Cr.P.C. is not maintainable. As such, same is dismissed. However, the petitioner shall be at liberty to take recourse to other remedies available to him under law.

10. While parting with this judgment, it is made explicit that anything observed here, shall have no bearing on the merits of other proceedings, if any initiated by the petitioner in respect of alleged murder/demise of his father Ranjit Singh and observation, if any made, shall remain limited to disposal of this petition.

May 28, 2015
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(Jaspal Singh)
Judge