

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

CRM M-21978 of 2009

Date of decision : 08.09.2015

Hanuman Parshad & ors.

....Petitioners

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.S. Shekhawat, Advocate for the petitioners.

Mr. Gaurav Dhir, DAG Haryana.

Mr. Naveen S. Bhardwaj, Advocate for the complainant.

RAJAN GUPTA J.

Petitioners seeks quashing of FIR No. 243 dated 15.07.2009 registered against them under sections 420, 467, 468, 471 & 506 IPC at Police Station Mohindergarh.

Learned counsel for the petitioners has vehemently contended that entire controversy is regarding entry in the mutation in favour of accused on death of Santra Devi. As the matter of validity executed by Santra Devi is subject matter of civil proceedings, present FIR is misuse of process of law. Same deserves to be quashed alternatively proceedings before the criminal court be stayed till culmination of the civil proceedings.

Prayer has been opposed by learned State counsel as well as counsel appearing for the complainant. Learned State counsel has referred to reply filed by way of affidavit of Balbir Singh, Deputy Superintendent of Police, Mohindergarh. Referring to same, he submitted that during investigation, it transpired that

Hanuman Parsad has filed an affidavit before the Revenue

authorities claiming that he was the only legal heir of deceased Santra Devi despite having knowledge of Will executed by Santra Devi in favour of Pursotam Kumar in her life time. On 10.04.2009, mutation no. 2277 was entered in the name of petitioner no. 2 Rajender Parshad. Another mutation no. 2287 was entered in favour of petitioners no. 1 & 2 in connivance with Ompal, Numberdar. All the petitioners, however, had knowledge of Will executed by Santra Devi in favour of Pursotam Kumar.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It is evident that investigation was conducted into the matter and final report has been submitted by the investigating agency before the trial court. Investigating agency came to the conclusion that accused in connivance with each other wanted to grab the property of Santra Devi who had executed a Will in favour of one of the legal heir namely Pursotam Kumar. The accused submitted before the Revenue authorities that Santra Devi had no legal heir except Hanuman Parshad & Rajender Parshad. They filed an affidavit dated 04.04.2009 in support of their application for sanction of mutation. They acted in connivance with Ompal, Numberdar. As a result, mutation nos. 2277 & 2287 was sanctioned.

Keeping in view facts and circumstances of the case, I am of the considered view that no ground is made out for quashing of the FIR in inherent jurisdiction of this court. Dismissed. The factual issues raised herein can be decided only after evidence is lead before the trial court. In view of the fact that proceedings in the case were stayed by coordinate Bench on November 19, 2010,

trial may not have made any headway. It is directed that trial court shall endeavor to conclude the proceedings expeditiously preferably within a period of one year.

September 08, 2015

Ajay

(RAJAN GUPTA)
JUDGE