

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

CRM-M-30509-2012

Date of decision : 22.01.2015

Anil Kumar

...Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Sanjay Mittal, Advocate
for the petitioner

Mr. C. S. Bakshi, Addl. A.G, Haryana

Mr. N. S. Shekawat, Advocate
for respondents No.10 and 11

Mr. Vivek Khatri, Advocate
for respondents No.7, 8 and 12

RITU BAHRI, J. (Oral)

This petition filed under Section 482 of Cr.P.C. for issuance of directions to respondent Nos.3 and 4 to get the investigation done by some independent agency i.e. Central Bureau of investigation in FIR No.420 dated 29.12.2008 under Sections 419/420/467/468/471/506 IPC registered at Police Station, Mohindergarh and further directions be issued to respondent Nos. 3 and 4 not to interfere in the investigation.

Petitioner Anil Kumar is the grandson of Barzi Devi. The property of Barzi Devi situated in city Mohindergarh. The predecessor had settled in city Modi Nagar (UP). She was got married with Hanuman Dass r/o Begu Sarai, Tehsil and District Begu Sarai (Bihar). She was residing in

Begu Sarai and was expired on 15.07.1984 in Begu Sarai (Bihar). Death certificate of Barzi Devi (Annexure P2). She was owner of 1/48th share in 338 Kanal 1 Marla i.e. 7 Kanal 1 Marla land in Khewat No.456, Khatoni No.635, 636, as per jamabandi (Annexure P1) for the year 1994-1995. The petitioner alleges that private respondents in collusion each other got prepared a forged General Power of Attorney No.3780 dated 14.02.2000 (Annexure P3) in favour of respondent No.10-Puran Singh. This Power of Attorney was registered in the office of Sub Registrar, Tehsil Saleempur, East, New Delhi in the year 2000 and showing resident of Shyum Park Exten. Shahibabad, District Ghaziabad (UP) whereas Barzi Devi, grandmother of petitioner, had expired in 1984 and was residing in Begu Sarai (Bihar). Respondent Nos. 7 to 9 in collusion with each other showing respondent No.10-Puran Singh as General Power of Attorney of Barzi Devi has got registered the sale deed No.11 dated 03.04.2000 regarding the land in question i.e. 7 kanal 1 marla in favour of Bir Singh, Rajpal Singh and Hanuman Singh by Puran Singh showing him to be General Power of Attorney of Barzi Devi. The complainant is resident of Modi Nagar (UP) and made a complaint u/s 419, 420, 467, 468, 471, 506 IPC against the private respondents before Illaqa Magistrate (Annexure P4). Illaqa Magistrate sent a complaint to SHO concerned under Section 156(3) Cr.P.C. for making investigation on 19/12/2008.

On notice, a reply has been filed by DSP, Mahendergarh, dated 22.01.2013 and finally one reply dated 10.11.2014. In the written statement filed by DSP, Mahendergarh, cancellation reports were sent by the SHO P.S.

Mohindergarh and finally a reinvestigation was carried out. First cancellation report was prepared by Inspector Surender Singh, SHO P.S. Mohindergarh on 26.05.2011. However, Superintendent of police, Mahendergarh at Narnaul disagreed with the first cancellation report and ordered for reinvestigation by Sub Inspector Mahipal, SHO, Ateli. The accused Puran Singh and Vishwajit were arrested on 23.11.2011 and finally another cancellation report dated 15.03.2012 prepared by SHO Mahendergarh. DSP, Mahendergarh did not agree with the cancellation report and sought further guidance from the office of Superintendent of Police upon which the then Superintendent of police, Mahendergarh at Narnaul passed an order to keep the investigation on and arrest the accused in the case.

During the course of verification, the allegations levelled by the petitioner against the accused were substantiated by facts and evidence which came forth on the record as such charges against the accused levelled by the complainant were made out against the aforesaid accused Puran Singh and Vishwajit. The General Power of Attorney which was got registered by the accused Puran Singh etc were found to be registered in the office of Sub Registrar, Silampur, Delhi showing the residential address at Shyama Park Sahibabad, District Ghaziabad during the course of investigation by State Crime Branch Gurgaon also which was false and fabricated. Charge-sheet against the aforesaid accused was prepared by the SHO, Mahendergarh and presented on 13.06.2012.

Learned counsel for the State on instructions has informed that

charges have been framed and now the trial court is proceeding with the prosecution evidence. Since the allegation of the petitioner after investigation has been found to be correct that the Power of Attorney was registered fraudulently in favour of the respondent No.10 and the trial court is proceeding with the prosecution evidence, no further orders are required to be passed.

Accordingly, the present petition is disposed of.

However, the petitioner will be at liberty to avail his alternative remedy in accordance with law, if so advised.”

22.01.2015
ashok

(RITU BAHRI)
JUDGE