

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29533 of 2015

.....

Date of decision:2.9.2015

Malkiat Kaur

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. D.S. Gurna, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal miscellaneous petition has been filed by petitioner under Section 482 Cr.P.C. for issuance of appropriate directions to respondent No.1 to assign the investigation of FIR No.137 dated 17.7.2015 registered for the offences under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Division No.6, Ludhiana to Vigilance Bureau for fair and proper investigation as the complicity of Sub Registrar (East), Ludhiana is writ large, yet has been brushed aside by respondents No.2 to 4 by registering the case only against seller and purchaser on the basis of fabricated GPA.

I have heard learned counsel for the petitioner and have gone

through the record.

From the record, I find that the FIR in the present case has been registered on the basis of complaint bearing UID No.766084 dated 26.6.2015 and after getting conducted the inquiry. A perusal of the FIR nowhere shows that there is any allegation regarding the corruption against the Sub Registrar nor there is any allegation regarding connivance of the Sub Registrar with other accused. When no specific allegations have been levelled against the Sub Registrar, there is no ground to hand over the investigation to Vigilance bureau. There is also nothing against the Sub Registrar that he played active role in forging the documents or helping the private respondents or had got any benefit from the transaction which is alleged to be on the basis of forged power of attorney. The FIR has been registered on 17.7.2015 and the investigation is at preliminary stage. It is for the Investigating Officer to find out whether there is any connivance of the Sub Registrar also in the commission of the offence. As the investigation is still going on and there is no such allegation against the Sub Registrar at this stage, therefore, I do not find any ground to transfer the investigation to Vigilance bureau.

Therefore, finding no merit in the petition, the same is dismissed.

However, nothing stated above will be construed as an opinion on the merits of the case and the competent authority would be at liberty to transfer the investigation to Vigilance Bureau if from the investigation conducted they found it convenient to transfer the same, nor this order will

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affect the investigation, in any way, if the Sub Registrar found involved in the commission of offence.

September 2, 2015.

(Inderjit Singh)
Judge

hsp