

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

(119)

**CRM-M-30809-2016 (O&M)
Decided on: September 01, 2016.**

Malkiat Singh

.... Petitioner

Versus

The Home Secretary to Govt. Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. G.S. Nagra, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The petitioner claims that he is a grandson of complainant Bakshish Singh, who had died intestate, leaving one son and four daughters to inherit his property. Petitioner happens to be son of one of the daughters and claims that the Will dated 14.10.2011, has been fabricated by two grandsons i.e. Satnam Singh and Gurnam Singh in connivance with their father and others. Petitioner claims that mutation has been entered on the basis of said forged Will. Aggrieved by inaction on the part of the police on the complaint Annexure P-2 and representation Annexure P-3 regarding the forged Will, the petitioner has approached this Court invoking the extraordinary jurisdiction under Section 482 Cr.P.C.

Learned counsel for the petitioner has argued that the name of the mother of the petitioner, is not mentioned in the revenue record and that the mutations have been sanctioned.

Without expression of any opinion on the complaint Annexure P-2 and representation Annexure P-3, it appears debatable whether the nature of the allegations mentioned in complaint would constitute a civil

dispute pertaining to the execution of a Will or a fabricated document can be said to have been prepared warranting launching of criminal prosecution.

Perusal of the contents of representation Annexure P-3 indicates that a civil suit regarding the Will dated 14.10.2011 is pending in the Civil Court at Gurdaspur and the SHO, Police Station, Gurdaspur has prepared a report dated 30.10.2015 closing the complaint filed by the petitioner.

In view of above said circumstances, I do not deem it appropriate to issue any directions for registration of FIR. It will be open to the petitioner to enforce his legal rights in the property of Bakshish Singh by challenging the Will or the revenue entries.

The petition is dismissed without prejudice to the right of the petitioner to seeking launching of prosecution, in case, Will of Bakshish Singh, is found to be fabricated or forged by any finding of the Court of competent jurisdiction, in accordance with law.

(M.M.S. BEDI)
JUDGE

September 01, 2016

harsha

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No