

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-14804 of 2017 (O&M)

Date of decision: June 01, 2018

Pardeep Chauhan

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. L.S. Chahal, Advocate for the petitioner.
Ms. Tanushree, Deputy Advocate General, Haryana.
Mr. H.S. Bhullar, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.220 dated 03.06.2016, registered against the petitioner under Sections 420, 467, 468, 471, 120-B IPC, at Police Station Pataudi, District Gurugram, on the basis of fact finding enquiry report made by Tarun Singal, Addl. Civil Judge (Sr. Division), Pataudi, District Gurgaon.

It was urged at the time of arguments that the FIR in question is unsustainable. Appropriate course of action for the court was to invoke procedure prescribed under Section 340 Cr.P.C. and not lodging an FIR. Thus, present FIR needs to be quashed.

Prayer has been opposed by the State counsel. According to him, in view of nature of crime, the court has no option but to direct investigation, which could be done only after registering a formal FIR. Thus, the present petition is misconceived.

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

A complaint was received regarding forgery and fabrication of judgment and decree dated 01.04.2013 titled as “Pardeep Vs. Bishan Singh” in Civil Suit No.69 of 2003. An enquiry was marked to Tarun Single, Additional Civil Judge (Sr. Division), Pataudi. He found that the allegations of forgery and fabrication were correct and thus, recommended registration of case by the police. It appears, father of petitioner owned property in Tehsil Pataudi, District Gurgaon. Petitioner allegedly had evil eye on the said property. He filed the instant civil suit at Pataudi. Suit was filed on 12.3.2013 and decreed with the consent of his father on 01.04.2013. Thereafter, certain alterations were made in the judgment and decree to benefit the petitioner. Entire crime was committed in collusion with court official(s). Out of them, Dharampal, Civil Ahlmad has already expired. The fact finding enquiry report was submitted before the District & Sessions Judge, Gurgaon. On his direction, FIR was lodged. Investigating agency found some cuttings/interpolations with black pen in the decree. These cuttings were not certified by the Presiding Officer. Pardeep Chauhan is stated to be beneficiary of this fraudulent exercise. After getting the consent decree, he in connivance with the court official(s), converted his half share into full share, thereby depriving other legal heir(s) of legitimate due.

In view of the fact that a detailed enquiry was conducted by Addl. Civil Judge (Sr. Division) and on submission of report to District & Sessions Judge, FIR was lodged. The matter needs a thorough probe regarding forgery/fabrication in the court records in connivance with the court official(s) and same needs to be investigated. In such circumstances, the plea for invocation of proceedings under Section 340 Cr.P.C. is misconceived.

The investigation of the matter has already been unduly delayed.

This court is, thus, of the considered view that crime of this nature can only be unravelled if a thorough investigation is conducted and not by way of proceedings under Section 340 Cr.P.C. Petition is, thus, without any merit and is hereby dismissed with Rs.50,000/- as costs.

(RAJAN GUPTA)
JUDGE

June 01, 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No