

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

**CRM-M No.2226 of 2018
Decided on: 19.01.2018**

Manjeet Kaur and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Pardeep Bajaj, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents No.1 to 5 to take appropriate legal action on the representation/complaint dated 27.07.2017 (Annexure P1) filed by the petitioners against their real brother i.e. respondent No.6 and to direct them to submit the status report of investigation on the said representation.

As per the allegations in the petition, the petitioners as well as respondent No.6 are real brother and sisters. The father and mother of the petitioners died on 10.11.2016 and 04.02.2016. The petitioners got an FIR No.295 dated 16.12.2017 registered against respondents No.6 and 7 at Police Station Shimlapuri, District Ludhiana with the allegations that their brother i.e. respondent No.6 has forcibly opened the lock of the house and has stolen certain articles from the portion of the property which is in the name of the petitioners. It is also alleged that respondent No.6 has set up a Will dated 07.09.2015 in his favour and a civil suit in this regard is also filed.

Counsel for the petitioners has submitted that the relation between the parents were not cordial with respondent No.6 and, therefore, there was no occasion for execution of the Will dated 07.09.2015 and respondents No.7 to 9 who are the attesting witnesses have conspired with respondent No.6 in this regard. It is further

submitted that the petitioners have submitted a representation to respondent No.4 i.e. Commissioner of Police, Ludhaina regarding the forged Will but no action was taken.

After hearing counsel for the petitioners, I find that the petitioners have already registered a case against their brother i.e. respondent No.6 and a civil suit is already pending in which it will be decided whether the Will is a forged document or not. It is apparent that since the dispute between the petitioners and respondent No.6 who are real brother and sisters is regarding the inheritance of the property left by their parents, the dispute is primarily is of civil nature and the petitioners are trying to give it a colour of criminal litigation.

Even otherwise, it is always open for the petitioners to approach the competent Court of law and file a criminal complaint, in accordance with law especially in view of the fact that the complaint (Annexure P1) has been address to the Commissioner of Police, Ludhiana whereas as per provisions of Section 154 Cr.P.C., no such complaint has been given to the SHO of the concerned Police Station.

Along with the present petition, only Annexure P1 i.e. the abovesaid complaint is attached and there is no other other supporting document to show that the Will is a forged document.

For the reasons stated hereinabove, this petition, being frivolous, is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

19.01.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No