

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

**CRM-M No. 39705 of 2017**

**DATE OF DECISION :- March 01, 2018**

**Amarjit Singh Virk**

**...Petitioner**

**Versus**

**State of Union Territory, Chandigarh and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAN**

**Present:-** Mr. A.D.S. Jattana, Advocate for the petitioner.

Kr. Yashwant Singh Rathore, Addl. P.P. UT, Chandigarh.

Mr. Sapan Dhir, Advocate for respondents no. 4 to 6.

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This petition under Section 482 Cr.P.C. has been filed by petitioner Amarjit Singh Virk craving for issuance of a direction to respondents no. 1 to 3 to file report under Section 173 Cr.P.C. in F.I.R. No. 177 dated 20.9.2013 which has not been investigated by respondent no. 3 so far as respondent no. 4 happens to be an influential person. Inter alia in the petition it is contended that in order to tarnish the image of the petitioner due to a property dispute, respondent no. 5 as well as respondent no. 4 claiming himself to be power of attorney of respondent no. 5 had targeted the petitioner repeatedly by filing false criminal cases which ultimately resulted into acquittal of petitioner; that petitioner had been elected as President of Non-Resident Indians, District Ropar. The office of NRI Sabha is situated in the premises of Industrial plot No. C-140, Industrial Area, Phase 7, Mohali; that petitioner had entered into an agreement to sell with respondent no. 5 and his son in the year 2004 and thereafter in the year

2005 paying the entire sale consideration by way of instruments/bank transfers. In that way, a sum of rupees more than 96 lacs had been paid by the petitioner out of which Rs.67 lacs is earnest money having been received by the earlier owner Jiwan Singh, who is real brother of the petitioner and after the said plot was transferred by Jiwan Singh in the name of his son Harpreet Singh, further amount was transferred by way of bank transfers/instruments. The petitioner is admittedly in possession of such plot; that the petitioner had filed a civil suit for specific performance of agreement to sell which was decreed ex-parte. However, later on the ex-parte decree was set aside on appearance of respondent no. 5 and his son and presently the case is pending in the Court of Additional Civil Judge (Senior Division), Mohali at the stage of evidence; that a false rape case was got filed by respondent no. 4 bearing F.I.R. No. 226 dated 9.11.2011 under Sections 376(2G), 392, 506, 347 read with Section 120-B IPC in which son and wife of petitioner were made co-accused; another rape case was got filed by respondent no. 4 through respondent no. 6 bearing F.I.R. No. 88 dated 13.7.2011 under Section 376 IPC with Police Station, Phase-I, Mohali; that during filing of those false rape cases, petitioner was targeted by respondents no. 4 to 6 by preparing false documents; that those documents were submitted by respondent no. 4 to the press at the time of press conference so as to take some stern action against the petitioner; that petitioner had not committed any offence. The entire episode had been created by respondents no. 4 and 5 so as to force the petitioner to compromise the pending civil litigation; that those documents were also submitted to IG of Police, Punjab who was heading Special Investigation Team into investigation in F.I.R. No. 88/2011. Such documents submitted

by respondents no. 4 to 6 to the police were found to be false. Petitioner had moved an application to respondent no. 3 for registration of the F.I.R. in that regard. He had moved applications to respondent no. 2 and 3 also but no F.I.R. was registered. Later on F.I.R. No. 177 dated 20.9.2013 was got registered under Sections 420, 467, 468, 471, 474, 506, 465 IPC read with Section 120-B IPC with Police Station North, Sector-3, Chandigarh. However, no further investigation in the matter has been conducted; however no action was called for under influence of respondent no. 4. According to the petitioner, both the false rape cases collapsed and petitioner was honourably acquitted in those cases.

Petitioner prays that petition be allowed. Notice of this petition was given to the respondents.

Learned State counsel has filed status report interalia stating that the F.I.R. in question was registered under Section 156(3) Cr.P.C. on instructions of JMIC U.T, Chandigarh vide order dated 19.9.2013; that the documents were got verified and as per report received from authorities in United Kingdom, finger print of the applicant as provided by Special Investigation Team had been searched and those had not been found to be identical on database to match any criminal record; that during the course of investigation alleged Nawab Singh had produced photocopies of the judgment of the Crown Court of ISLEWORTH, UK, marriage certificate of Gurvinder Singh and Surinder Kaur and declaration of change of Name Deed from Gurvinder Singh to Amarjit Singh. All those documents were provided in United Kingdom. It is stated that during the course of investigation it has come to the notice of police authorities that complainant Amarjit Singh Virk had criminal record in United Kingdom. In the

judgment, name of accused Gurvinder Singh Virk which was printed has been altered as Amarjit and there is hand written note on the top of the first page indicating that indictment amended by order in respect of defendant first name & Surname but on the copy of sentence the name printed against defendant is Amarjit Singh. Investigation revealed that Amarjit Singh Virk was maintaining different United Kingdom Passports i.e. one in the name of Gurvinder Singh Virk and other under the name of Amarjit Singh Virk. Further more it has been intimated by the authorities in United Kingdom that Amarjit Singh was convicted and sentenced in a criminal case in the year 1986 regarding Passports in the name of Gurvinder Singh Virk and in the name of Amarjit Singh Virk with different dates of birth.

In the reply filed by respondent no. 4 on behalf of respondents no. 4 to 6, it has been contended that answering respondent no. 5 is a Senior Citizen and is a permanent resident of United Kingdom. He is unable to visit India as such he is pursuing all his litigation through respondent no. 4; that the present application filed by petitioner deserves to be dismissed as it has been filed on baseless and vague grounds.

In the written reply, background of the litigation among the petitioner and answering respondents no. 4 to 6 has been given.

I have learned counsel for the petitioner, learned State counsel representing U.T Chandigarh and learned counsel representing respondents no. 4 to 6 besides going through the record.

I am of the view that there is nothing to show that local police is working under influence of respondent no. 4, that the investigation in the case is not being carried out in a proper manner.

The petitioner is feeling aggrieved unnecessarily. However, it is

a matter of concern that a F.I.R. which was registered way back in the year 2013 has not reached its logical conclusion so far despite passing of more than four years. After the conclusion of the investigation, the investigating agency is to file final report under Section 173 Cr.P.C. may be sending up the accused to face trial or praying for cancellation of the F.I.R., but then it is desirable that final report be prepared and filed in the Court at the earliest. If on completion of investigation, challan is filed then the claim of plaintiff would stand satisfied and if a cancellation report is filed then he would get an opportunity to file protest petition. In addition to that he may file a private complaint also, if so advised.

Therefore, the petition is disposed of with a direction to respondents no. 1 to 3 to complete the investigation at the earliest and then take further necessary action in the matter.

**(H.S. MADAAN)**  
**JUDGE**

**March 01, 2018**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No