

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 48503 of 2017 (O&M)

Date of decision : 30.1.2018

...

Mool Chand

.....Petitioner

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Amit Sharma, Advocate for the petitioner

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H. S. Madaan, J.

This petition for quashing of FIR No. 276 dated 10.4.2015 for offences under Sections 182, 415, 420 IPC, registered at Police Station Jhajjar, alongwith subsequent proceedings, in alternative, issuance of a direction to transfer the investigation of all the cases registered against the petitioner by respondent No. 2, to a Senior Police Officer, has been filed by petitioner – Mool Chand.

Inter alia, in the petition, it is contended that out of personal vendetta and family dispute over property between the complainant and the family of the petitioner, FIR No. 276 dated 10.4.2015 under Sections 182, 414, 420 IPC was registered at Police Station, Jhajjar; that the FIR is liable to be quashed being an abuse of process of law; that the FIR was registered on the ground that petitioner had given affidavit to Civil Surgeon for obtaining death certificate stating that

in case any of the information is found to be false, then action may be taken against him under Section 182, 415, 420 IPC. However, the case was registered by the police on the complaint of a person other than Civil Surgeon without having been found any of the information false; that the State has registered cases against the petitioner and his family members prosecuting them on extraneous considerations in a case where police could not take cognizance.

The brief chronology of events, which led to filing of the present petition is given therein. According to the petitioner the allegations made in the FIR are absurd and inherently improbable on the basis of which no prudent person could reach a just conclusion that there is sufficient ground for proceeding against the petitioner. Respondent No.2 – complainant appears to have challenged the authenticity of a registered document which could only be done by a Civil Court in as much as a dispute which apparently is of civil nature has been given a colour of cognizable offence for which impugned FIR has been registered. Secondly, the FIR is manifestly attended with mala fide and/or the proceedings were maliciously instituted with an ulterior motive for wrecking vengeance on the accused, with the view to spite him due to private and personal grudge and no offence is made out. The manner of registration of FIR and the arrest of the petitioner also corroborates these facts.

I have heard learned counsel for the petitioner, besides going through the record and I find that no ground for quashing is made out.

A perusal of the FIR goes to show that there are specific

allegations levelled against the present petitioner and his son, besides others in preparing the forged Will, purported to have been executed by the deceased son of complainant, namely, Ajay Kumar and FIR No. 127 dated 18.2.2014 being registered in that regard. The Additional Civil Judge (Senior Division) Bahadurgarh, has declared this Will as forged one vide judgment dated 30.1.2015. That with an intention to get the benefit in this case of forged Will, Mool Chand s/o Mota Ram gave an affidavit to Civil Surgeon, Jhajjar for getting a forged death certificate of his late husband Chiranji Lal. In the affidavit, Mool Chand had submitted that registration of death of his brother has not been made by any of death registration authorities and if his affidavit was found to be false, then he was ready for being punished under Section 182, 415, 420 IPC. That in the plaint filed by Mool Chand etc. ,based on forged Will, date of death of Chiranji Lal is mentioned as 11.1.2004, whereas Civil Surgeon in his letter had indicated date of death as 2004. It cannot be said that the allegations in the FIR do not disclose any offence. There is nothing on file to show that it is an abuse of process of law. Therefore, no ground for quashing of FIR is made out.

The petition stands dismissed.

(H.S. Madaan)
Judge

30.1.2018

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Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No