

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

Sr. No.202

CRM-M-7605 of 2017

DECIDED ON: November 20, 2018

JAGAT SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kawaljyot Singh, Advocate,
for the petitioners.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner No.1 was married with Mohinder Kaur and out of the said wedlock, the complainant-respondent No.2 was born. It appears that the relations between the petitioner No.1 and Mohinder Kaur were not cordial and therefore, Mohinder Kaur came to live in her parents house along with complainant-respondent No.2. Petitioner No.1 started living with petitioner No.2, who is the wife of Gurcharan Singh (younger brother of petitioner No.1). Under the influence of petitioner No.2, the rights of the complainant-respondent No.2 in the hereditary property was allegedly erased and documents were prepared to portray the sons of Gurcharan Singh as the sons of petitioner No.1. Petitioner No.2 was portrayed as the wife of petitioner No.1. On the basis of these allegations, FIR No.199, dated

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23.12.2015 was registered under Sections 406, 420, 466, 467 & 468 IPC, at Police Station Kartarpur, District Jalandhar.

Learned counsel for the petitioners submits that in case the complainant-respondent No.2 is aggrieved by his deprivation from the family property, he has the right to get his grievance addressed through the Civil Court. No offence of misappropriation, cheating or forgery is made out, in the facts and circumstances of this case.

The complainant-respondent No.2 has chosen not to appear despite service.

Learned State counsel submits that the preparation of documents by the petitioner No.1 showing the sons of Gurcharan Singh as his own sons and Pal Kaur as his wife amounts to an offence under Sections 466, 467 & 468 IPC.

It is apparent that the complainant-respondent No.2 is wanting to enforce his right in the property of his father and the ancestral property. For the same, he can approach the Civil Court but the registration of the aforementioned FIR is certainly abuse of the process of the criminal law. The dispute is of purely civil nature and therefore, FIR cannot be permitted to stand.

Accordingly, the petition is allowed and FIR No.199, dated 23.12.2015 registered under Sections 406, 420, 466, 467 & 468 IPC, at Police Station Kartarpur, District Jalandhar, is quashed qua the petitioners.

November 20, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No