

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

**CRM-M-11674-2021 (O&M)
Date of Decision : 15.03.2021**

Amolak Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Surjit Singh Salar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for issuance of direction to respondents to register the case under appropriate sections including Sections 415, 420, 467, 468 and 471 of the IPC against the private respondents.

Learned counsel for the petitioner submits that initially one Kahan Singh was owner of 02 kanal 18-1/3 marlas of land, which was inherited by his son Gurcharan Singh.

Learned counsel further submits that Kahan Singh died on 07.01.2008 and, thereafter, Gurcharan Singh also died in the year 2016.

Learned counsel further submits that Gurcharan Singh, during his lifetime, has entered into an agreement to sell dated 29.05.2015 and received a sum of Rs.29,00,000/- as earnest money, however, on account of his death, the sale deed cannot be executed and the petitioner filed a civil suit for specific performance on the basis of said agreement to sell to either grant decree of specific performance or for returning the earnest money with interest.

Learned counsel for the petitioner further submits that later on, the petitioner came to know that Kahan Singh was survived by 07 legal heirs, out of

which, 03 are the daughters and 04 are the sons and the daughters have set up a Will relating to the year 2007 on the basis of which, the Kanungo has entered a mutation in 2016 after getting due approval.

Learned counsel further submits that even the sons have set up a Will, however, the original Will has not been produced.

Learned counsel further submits that when the complaint was given to the police, the inquiry officer has made certain observations that the Will has not been produced and in the absence of the same, the signature or thumb impression of Gurcharan Singh cannot be compared.

Learned counsel further submits that on the basis of the report dated 01.06.2019 prepared by Incharge, Economic Offence Wing, Sangrur, the Deputy Superintendent of Police concerned, on 27.08.2019, has made an observation that since the matter is pending before the Civil Court, no further action is required.

After hearing learned counsel for the petitioner, I find no ground to issue any direction to register the FIR at this stage, as admittedly the matter regarding the admissibility or validity of the Will is pending before the Civil Court, wherein, the petitioner has also filed a suit for specific performance of the agreement to sell and the legal heirs of Gurcharan Singh have set up the aforesaid Will.

In view of the same, I find no ground to issue any direction to the police at this stage and this petition is disposed of with liberty to the petitioner to file a complaint under Section 156(3) Cr.P.C. before the Illaqua Magistrate, if so advised.

15.03.2021
Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

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