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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.18397 of 2021 (O&M)

Date of decision: 05.05.2021

Deepak Razak and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ankur Bansal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a direction to the official respondents to conduct an enquiry and not to come under the pressure of respondents No.4 and 5, to register an FIR against the respondents No.6 to 9.

Counsel for the petitioner has argue that a property which was initially owned by one Parbodh Chander, who had died on 10.06.2002, was mutated in favour of his wife Chander Kanta. Later on, petitioner No.1 – Deepak Razak along with one Ashu @ Anand Verma and Vijay Kumar, got a power of attorney of Parbodh Chander executed in favour of the petitioner No.1.

Counsel for the petitioner has further submitted that the petitioner has given a complaint to the police authorities, however, respondents No.4 and 5 are influential persons and they are insisting the police authorities to register an FIR against the petitioner on the complaints given by Asha Rani, Veena, Hanish Kumar and Ravinder

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Kumar.

Counsel for the State has, however, submitted that initially the complaint was given to the Commissioner of Police and on a representation given by the petitioner, the same was transferred to ADGP (Crime) wherein a compromise was effected and the petitioner by way of a sale deed transferred the land in favour of Chander Kanta widow of Parbodh Chander who had later on withdrawn the complaint.

It is further submitted that in the meantime, the petitioner has entered into an agreement and thereafter, the petitioner entered into an agreement dated 12.12.018 with Asha Rani for sale of 11 marlas of land and received an amount of Rs.8.00 lacs out of which some amount was paid by way of a cheque. Similarly, the petitioner entered into an agreement for sale of another 11 marlas of land with one Veena and again received an amount of Rs.6.00 lacs and another agreement on the same day, was executed in favour of Hanish Kumar for 11 marlas of land and received an amount of Rs.6.00 lacs from him, and all the aforesaid persons i.e. Asha Rani, Veena, Hanish Kumar and Ravinder Kumar, have given a complaint that the petitioner No.1 knowingly that he has acquired a fake and forged power of attorney of Parbodh Chander Sharma, though he has died way back in the year 2002, has entered into an agreement to sell with the aforesaid persons i.e. Asha Rani, Veena, Hanish Kumar and Ravinder Kumar and has taken a huge amount of Rs.20.50 lacs as earnest money. It is also submitted that during the enquiry one Nirmal Singh, who has appeared as an impersonator as Parbodh Chander has recorded a statement that on a promise of getting an Aadhar Card, the petitioners and one Anand

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Kumar had taken him to the office where his photo was taken and later on, a bank account was opened in the name of Parbodh Chander, using his fake ID, which was issued in the name of Parbodh Chander and therefore, the petitioners have cheated the aforesaid persons, who have given counter complaints. It is also submitted that the police authorities are taking action in accordance with law and if any, offence is made out against the petitioners on the basis of the complaints given by Asha Rani, Veena, Hanish Kumar and Ravinder Kumar, the police is bound to register an FIR, in accordance with law.

After hearing the counsel for the parties, I find no merit in the present petition. The submission made by counsel for the State reveal that the police authorities are acting in a fair and impartial manner and on the face of it, there is sufficient evidence that the petitioner No.1 on the basis of a fake and forged power of attorney of a dead person had entered into an agreement to sell with the complainants named above and has duped them of a huge amount, which prima facie reveals an offence punishable under Sections 406 and 420 IPC.

Accordingly, the present petition is dismissed.

However, it is clarified that while conducting the enquiry, if any, substance is found in the complaint of the petitioner, the same will also be dealt with by the concerned officer.

(ARVIND SINGH SANGWAN)
JUDGE

05.05.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No