

CRM-M-25031-2021

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

CRM-M-25031-2021

Date of decision: 06.07.2021

Suraj Bhan

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H.P.S.Ghuman, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for the issuance of directions to the official respondents to proceed against the accused persons, in view of the representations dated 30.03.2021 (Annexure P-5) and 06.04.2021 (Annexure P-7), who, according to the petitioner, in connivance with each other, had fabricated the documents for usurping the share of the petitioner in the property, by setting aside the inquiry report dated 26.05.2021 (Annexure P-10).

The gravamen of the case of the petitioner, as stated in the petition, is that the petitioner had filed a suit for partition of an old building. The house being used by him and his brother, is situated within *lal lakir*, and the same was included in the list having ID 135 and LGD ID 621900135, which had been prepared on the instructions of the Government for bestowing the ownership upon the persons in possession

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by identifying the land situated within the *lal lakir*. Resultantly, the names of the petitioner and his brother-Ram Singh were entered at Sr. No.914 and 925 in the said list and signatures of Ram Singh had been appended thereon. Thereafter, Ram Singh filed objection on 24.01.2021 before S.D.O (Civil), Narnaul, for correction in Sr. No.135 by mentioning false facts to the effect that he was the only owner of the house and name of the petitioner had wrongly been mentioned at Sr. No.135. The said facts were falsely verified by Sunil Kumar, Panchayat Secretary, Sandeep Sarpanch and Rajesh Lambardar, in connivance with Ram Singh, for usurping the share of the petitioner by fabricating the false documents. The accused persons in connivance with each other got entered the name of Ram Singh in the renewal list bearing feature ID 129 LGD ID 621900129 and they had prepared the forged documents with an aim to usurp the share of the petitioner in the property. The petitioner made representations to the police authorities, including the Director General of Police, for redressal of his grievance, but to no avail, compelling him to approach this Court by filing CRM-M-17608-2021.

The said petition had been disposed of by a Coordinate Bench, vide order dated 28.04.2021, with a direction to the Superintendent of Police, Mahendergarh, to go into the grievance of the petitioner after hearing him, and to take an action, if any cognizable offence was made out, within a period of three months from the date of receipt of a certified copy of the said order.

In pursuance of the order dated 28.04.2021, respondent No.3 got the inquiry conducted from DSP, Narnaul, and on the basis of the

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inquiry, respondent No.3 arrived at a conclusion that no cognizable offence was made out on the basis of the allegations levelled by Suraj Bhan (petitioner) and, therefore, his representations had been filed.

Learned counsel for the petitioner contends that the inquiry officer wrongly got swayed by the false agreement dated 21.12.1996, whereas the same had not been believed by the trial Court in the earlier suit decided between the parties. He further contends that the nature of property is still joint, and, therefore, acceptance of objections in favour of Ram Singh by B.D.P.O. Narnaul and Gram Sabha, does not hold any legality in the eyes of law, and the same is liable to be rejected. The learned counsel further contended that the inaction of the police authorities upon the representations of the petitioner is a violation of the law laid down by the Hon'ble Supreme Court in the various judgments.

I have heard the learned counsel for the petitioner and gone through the record.

Incontrovertibly, it is the case of the petitioner himself that his suit for partition and permanent injunction was dismissed by the learned Civil Judge (Jr. Divn.), Narnaul, vide judgment dated 19.02.2016 (Annexure P-11). Prima facie, it seems that the petitioner wants to obtain some favourable order from this Court to get off his liability in the civil litigation. However, this Court is of the opinion that the petitioner cannot be allowed to do so, more particularly, when the civil litigation between the parties is pending.

Even otherwise, this Court finds no occasion to interfere with the inquiry report dated 26.05.2021 (Annexure P-10) as any such

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indulgence would add fuel to the rival claims, which can only be determined on the basis of evidence, as they involve disputed questions of facts. If the petitioner is aggrieved against the said inquiry report, he may avail himself of his alternative remedy, including a complaint under Section 156 (3) Cr.P.C., but in no case, the petitioner can be allowed to approach this Court under Section 482 Cr.P.C. for the relief claimed.

Such is the law laid down by the Hon'ble Supreme Court in various judgments, including the judgments rendered in ***Vinubhai Haribhai Malaviya and Ors. Vs. State of Gujarat and Ors.*** 2019 AIR SC 5233 and ***M.Subramaniam and anr. Vs. S. Janaki and anr.*** 2020 (2) RCR (Criminal) 788.

In view of the above, the present petition is devoid of any merit and the same is dismissed.

06.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No