

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 27863 of 2021
Date of Decision: 31.8.2021**

Ishwar Rani

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. R.S.Mamli, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for issuance of directions to the official respondents to register an FIR against the Branch Manager of the bank, who is alleged to have forged the documents by forging the signatures of the petitioner, and to hand over the investigation to some senior police official or some other agency.

Learned counsel for the petitioner submits that the petitioner along with her husband Joginder purchased the land in question from one Jaipal on 23.4.2008 and the petitioner was the owner of half share of the land. Thereafter, the husband of the petitioner had transferred his share in the name of the petitioner and there was a loan of the bank on the property in dispute. The petitioner had transferred the land in the name of her son and she has no concern with the said land. The petitioner neither signed any documents in the bank as a guarantor nor mortgaged the said property. Learned counsel further submits that the signatures of the petitioner were obtained by the police officials on various documents at the time of the investigation of the FIR, registered against her and thereafter, the petitioner came to know that her signatures had been forged by the bank officials. Learned counsel further submits that the petitioner has made a representation dated 7.6.2021 (Annexure P-1) to Superintendent of Police,

Yamuna Nagar, but no action has been taken on the same so far.

Learned counsel for the petitioner further submits that the accused has committed a cognizable offence and as per Section 154 Cr.P.C., the registration of FIR is mandatory in the cognizable offence, but no action has been taken by the police till date. In support of his arguments, learned counsel has placed reliance on judgments of the Apex Court in ***Lalita Kumari versus Govt. of U.P. 2014 (2) SCC 1.***

I have heard the learned counsel for the petitioner.

In the present case, the petitioner has sought registration of FIR against respondent No. 4. The Hon'ble Apex Court in ***Sakiri Vasu vs. State of U.P. and others, 2008 (1) RCR (Criminal) 392*** and ***M.Subramaniam and another versus S. Janaki and another 2020 (2) R.C.R (Criminal) 788*** has held that in such like cases, the complainant must avail the alternate remedy by approaching the Magistrate concerned under Section 156(3) Cr.P.C.

Moreover, FIR No. 243 dated 24.8.2019 under Sections 406, 420, 467, 468, 471, 506, 34 IPC stands registered against the petitioner.

In view of the law laid down by the Hon'ble Apex Court in the cases of ***Sakiri Vasu*** (supra) and ***M.Subramaniam*** (supra), the petition is disposed of with liberty to the petitioner to approach the Magistrate concerned under Section 156(3) Cr.P.C.

(HARNARESH SINGH GILL)
JUDGE

August 31, 2021
Gurpreet

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