

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

CRM-M-52846-2019 (O&M)
Date of Decision: 05.04.2021

Kailash Kumar

.....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.

Mr. Ashok Singh Chaudhary, Addl. A.G., Punjab.

Mr. Munish Kumar Garg, Advocate,
for respondent No.4.

HARNARESH SINGH GILL, J.

Case was taken up for hearing through video conferencing.

The petitioner seeks issuance of directions to the official respondents to hold a fair and impartial enquiry into the representations submitted by him and take an appropriate action in accordance with law.

Learned counsel for the petitioner has argued that Duni Ram, grand-father of the petitioner, was found dead under suspicious circumstances and the petitioner had moved an application dated 07.12.2015 to SHO, Police Station Sadar Tohana, to conduct the post-mortem on the dead-body of his grand-father and a detailed inquiry into the matter, but to no avail. He has further argued that respondent No.4-Vinod Kumar

had prepared a forged Will dated 15.01.2015, of late Duni Ram, with a view to usurping the property left by him. The petitioner challenged the said Will by way of a civil suit, which though was dismissed 27.05.2019, yet an appeal thereagainst is pending in the Court of learned District Judge, Fatehabad. He has further argued that when the petitioner did not yield to the pressure of respondent No.4-Vinod Kumar and others, they had attacked him and caused various injuries on his person. The petitioner and his mother-Kalawati, had made representations to the authorities concerned, but no action was taken thereon. In respect of the life threats given by said Vinod Kumar, the petitioner had submitted a representation dated 13.08.2018 (Annexure P-5) at the CM Window, Haryana. However, still no action was taken.

On the other hand, learned State counsel while referring to para No.3 of the reply filed, has stated that all the applications and representations filed by the petitioner had duly been acted upon and preventive action against the persons complained of was taken. On the aforesaid premise, it is contended by the learned State counsel that the police has taken proper and appropriate action in the applications/representations filed by the petitioner. It is further submitted that the petitioner is trying to overawe the authorities to take action beyond the legal limits, particularly when he has been into a civil litigation against respondent No.4-Vinod Kumar.

Learned counsel appearing for respondent No.4 while toeing the line of the learned State counsel, states that the

petitioner intends to create a smoke-screen by filing totally false applications/representations against respondent No.4 so that under the fear of a contemplative criminal action, he might give up his claim, arising out of the Will executed by late Duni Ram, in his favour.

I have heard the learned counsel for the parties.

Adverting to the reply filed by the official respondents, it is pointed out therein that no representation in the form of Annexure P-1, was received in PS Sadar Tohana. As far as representation (Annexure P-2) is concerned, in this regard, it is stated in the reply that the preventive action under Section 107 read with Section 151 Cr.P.C. was taken against Vinod Kumar and Krishan Kumar and DDR No.25 dated 07.07.2017 was recorded. In respect of representation (Annexure P-3), it is stated in the reply that FIR No.224 dated 13.07.2017, under Sections 323 and 506 IPC, Police Station Sadar Tohana, was registered against the petitioner by said-Vinod Kumar. Still further, it is stated in the reply that no representation in the form of Annexure P-5 was received, whereas in respect of the grievances raised in Annexure P-6, DDR No.33 dated 19.01.2019 was recorded at Police Station Sadar Tohana and preventive action against the persons complained of, was taken under Sections 107 and 151 Cr.P.C. It is further stated in the reply that Roshani Devi, mother-in-law of the petitioner, has got FIR No.482 dated 17.12.2015, under Sections 323, 325, 341 read with Section 34 IPC, registered against respondent No.4 at Police Station Sadar Tohana.

Incontrovertibly, the civil suit filed by the petitioner in respect of the Will left by Duni Ram in favour of respondent No.4, stands dismissed on 27.05.2019 by the Civil Court, and the appeal thereagainst is pending before the District Judge, Fatehabad. As noticed above, from the reply filed by the official respondents, it is clear that a few of the representations were never filed by the petitioner before them and in the ones that were filed, the police had taken appropriate action against the persons mentioned in the said representations. *Prima facie*, it seems that the petitioner wants to obtain some favourable orders from this Court in order to get off of 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 petitioner and respondent No.4 is pending.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

05.04.2021

praveen kumar/ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No