

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

245

CRM-M-41144-2020
Date of decision: 24.05.2022

GURPREET KAUR @ PARAMJIT KAURPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sarvesh Kumar Gupta, Advocate for
Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate
for respondents No.4 and 5.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 praying for issuance of appropriate order or direction to respondents No. 2 and 3 to initiate appropriate legal action against the respondents No. 4 and 5 involved in defrauding the petitioner and her sister Smt. Rajbinder Kaur daughter of late Sh. Mahal Singh by forging and fabricating the bogus Will dated 15.12.2007.

2. Status report by way of affidavit of Rajbir Singh, Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran on behalf of respondents No.1 to 3 has been filed by respondent-State on 09.01.2021. The relevant extract thereof reads as under:-

“3. That at the very outset to mention here that the

above said criminal writ petition is liable to be dismissed as the dispute between the parties is of purely civil nature and the matter was already decided by the Sub Divisional Magistrate-cum-Collector, Bhikhiwind, District Tarn Taran vide order dated 18.02.2019 whereby the SDM has set aside the order of lower court.

4. That the upshot facts leading to this case are that Mehal Singh son of Gurbax Singh i.e. father of the petitioner was owner in possession of land measuring 18 Kanal and during his lifetime said Mehal Singh had executed a written will 15.12.2007 in favour of his sons i.e. private respondent Nos. 4 and 5 in the presence of Partap Singh Sarpanch and other attesting witnesses namely Gurnam Singh and Kashmir Singh and after the death of said Mehal Singh the mutation regarding the inheritance were sanctioned in favour of private respondent Nos. 4 and 5 and mother namely Manjit kaur on the basis of will dated 15.12.2007.

5. That it is submitted that three Girdawaries were entered in the names of petitioner and her sister namely Rajbinder Kaur and thereafter, the private respondent Nos. 4 and 5 alongwith their mother Manjit Kaur had filed two separate appeals against the orders dated 21.09.2016 and 12.12.2014 regarding the mutation No. 2226 and 2142 respectively and in the above said two appeals, the petitioner and her sister was impleaded as respondents, but they did not appeared before the SDM and accordingly the Sub Divisional Magistrate-cum-Collector, Bhikhiwind, District Tarn Taran have set-aside the orders of lower court vide order dated 18.02.2019.

6. That so far representation Annexure-P/2 and P/3 are concerned, it is submitted that the enquiry into the said representations got conducted by ASI Satnam Singh of Police Station Valtoha, District Tarn Taran and same were filed in the record room as the dispute between the

parties is pertaining to share of land and due to civil nature, the police authority is unable to interference in the land dispute and the civil court has jurisdiction to decide the right and title of the land in dispute.

3. It is evident from a perusal of the record, that the representation submitted by the petitioner has already been examined and has been consigned after recording of finding that the dispute is civil in nature and is not worthy of any police interference as it does not make out an ex facie criminal cognizable offence.

4. Mr. Raghav Soni, Advocate appears on behalf of respondents No.4 and 5 contends that the filing of the present petition is an abuse of process of the law and is intended to create prejudice against the respondents. He submits that the issue /representation has been furnished by the petitioner has already been inquired into and that finding no criminal action, the same was not recommended to be filed.

5. In view of the status report filed on 09.01.2021, which is uncontroverted and considering that the prayer made by the petitioner was to the effect that the representation submitted by the petitioner ought to be inquired into, I find that the said prayer already stands answered. The present petition is accordingly dismissed as not pressed at this stage with liberty to the petitioner to take recourse to the alternative remedies available to him in accordance with law against the action so taken.

(VINOD S. BHARDWAJ)
JUDGE

MAY 24, 2022

Vishal sharma

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