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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7715-2022 (O&M)

Date of decision: 12.07.2023

Seema Devi

....Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Ajay Kripal Singh, Advocate for petitioner.

Mr. Karan Garg, AAG, Haryana.

Ms. Ramandeep Kaur, Advocate for respondent No.5.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') *inter alia*, seeking issuance of direction to official respondents to transfer the investigation of the FIR No.290 dated 20.08.2021, registered under Sections 420, 467, 468, 471 of IPC, at Police Station Israna, District Panipat to Crime Branch, Panchkula.

2. Learned counsel for petitioner submits that petitioner moved an application to SSP, Panipat against her brother Naveen-respondent No.5 who prepared a forged Will and got transferred all her father's property in his name after the death of her father. Her father had died due to heart attack just two days prior to the date of forged Will. Petitioner after seeking permission from the Court got the signature of her deceased father on disputed Will verified from a Handwriting Expert and the same was found forged and fabricated on the basis of which the present FIR (Annexure P-1) was registered.

2.1. Learned counsel for petitioner further contends that after the registration of FIR (Annexure P-1), police in connivance with respondent No.5 are

not taking any action. Neither respondent No.1 has been arrested nor the petitioner has been called or her statement under Section 161 Cr.P.C. has been recorded till date, for the reasons best known to them.

2.2. He would further urge that despite representation dated 23.11.2021 (Annexure P-6) moved by petitioner to DGP, Haryana regarding delay in investigation with a request to transfer the investigation from Police Station, Israna to Crime Branch, Panchkula and to protect her life and liberty, no action has been taken.

3. Per contra, learned State counsel, assisted by learned counsel for respondent No.5, strenuously opposes the prayer made. He relies on fresh status report dated 17.08.2022 and report dated 15.06.2022 (Annexure R-1) of FSL, Madhuban, which was submitted in compliance of order dated 18.04.2022 passed by this Court, to contend that police has assured to conclude the investigation in an impartial and fair manner by considering the grievances of petitioner from all angles after receipt of the clear report from FSL, Madhuban.

3.1. Learned State counsel would further canvass that keeping in view the report of FSL Madhuban, which was not clear about the result, separate notices dated 13.07.2022 and 22.07.2022 under Section 91 Cr.P.C. (Annexure R-2 Colly.) were served upon petitioner as well as respondent No.5/accused to produce the signatures of their father Rajender (since deceased). He further submits that Superintendent of Police, Panipat has also sent a letter dated 02.08.2022 (Annexure R-3) to CFSL, Chandigarh with a request to send a clear report since a clear report has not been received from FSL, Madhuban.

4. I have heard learned counsel for the parties and gone through the case file.

5. For ready reference, relevant portion of FSL report dated 15.06.2022 (Annexure R-1), enclosed with status report dated 17.08.2022, is being reproduced, as below:

“Technically, it has not been possible to express any opinion regarding authorship of questioned signature stamped and marked Q1 in comparison with supplied standard signatures similarly stamped and marked A1 to A21 in the absence of contemporary period admittedly genuine signature of person concerned.”

6. In view of the status report dated 17.08.2022 *ibid*, in my opinion, the investigation of the present case is being supervised and monitored from all angles by senior police officers on merits. Investigation of a case cannot be transferred at the whims and fancies of either party. It is not a fit case to seek intervention of any specialized investigation or other agency.

7. Even otherwise, the petitioner ought to have first approached learned *Ilaqa/Area* Magistrate under Section 156 (3) Cr.P.C for redressal of her grievance, if any, before directly approaching this Court. Section 156 (3) *ibid*, empowers a Magistrate to ensure proper investigation. Reference may be had to Apex Court judgment in **Sakiri Vasu versus State of U.P and others**¹.

8. In the premise, instant petition is dismissed.The petitioner is, however, at liberty to approach the appropriate forum for redressal of her grievance, as aforesaid.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

12.07.2023
vandana

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