

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

272

CRM-M-24681-2018 (O&M)
Date of decision: 02.02.2023

SURESH KUMAR

....Petitioner(s)

Versus

THE STATE OF UT CHANDIGARH AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Rajiv Vij, Addl. P.P., U.T. Chandigarh.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 482 of CrPC praying for issuance of appropriate directions to the respondents to hand over investigation of instant case to some other independent agency like CBI for free, fair and independent inquiry and registration of appropriate Case/FIR since the respondents/local police have failed to take any appropriate action since May, 2017.

Notice of motion in this case was issued on 27.07.2018.

Learned APP for U.T. Chandigarh on instructions from ASI Balkar Singh submits that the matter has been enquired into in depth and no cognizable offence was found to have been committed. He has produced the opinion of Deputy DA (Legal) dated 09.08.2019 in this regard, which reads thus:-

“In my view the totality of circumstances such as statement of Jagdish Chander, one of the witness of disputed will wherein he denied his signatures upon the will, the statement of the second witness of the will namely Balbir Singh wherein he mentioned that Ashwani Kumar and Chotte

Lal came to him with a typed will and Chotte Lal put thumb impression in his presence shows that the will is disputed one.

Earlier also the present reference has been sent for legal opinion and the undersigned time and again raised the objection of getting the thumb impression compared in order to ascertain the genuineness of the disputed will but as per reports of Enquiry Officer the complainant did not provide any thumb impression of Chotte Lal (deceased). Thus, till date it has not come on record as to whether the said unregistered will is forged one or not, therefore, no cognizable offence at this stage is made out.”

In view of the aforesaid, no further orders are required to be passed.

Petition is disposed of as having been rendered infructuous.

(AMAN CHAUDHARY)
JUDGE

February 02, 2023

M.Kamra/S.Sharma(syr)

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