

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

**CRM-M-32599 of 2015
Date of Decision: 03.02.2023**

Harcharan Singh **Petitioner**
Vs.
State of Punjab and another **Respondents**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.L. Chander Shekhar, Advocate
for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. Sandeep Singh Majithia, Advocate
for respondent No.2 - complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 Cr.P.C, prayer is made by the petitioner to quash FIR No.273 dated 10.09.2015 registered under Sections 420, 467, 468, 471 IPC at Police Station Patti, District Tarn Taran and all the subsequent proceedings arising therefrom.

2. It is contended by the petitioner that property in dispute was earlier owned by Santa Singh @ Ranga Singh s/o Nihal Singh, who had executed a valid Will dated 13.02.1965 in favour of Suhel Singh s/o Hakam Singh regarding which mutation was sanctioned on 27.08.1979. After the death of Suhel Singh, property was transferred in favour of his sons, who started selling the same in the shape of plots. It is further the contention of the petitioner that Santokh Singh s/o Swaran Singh had purchased the land measuring 8 marlas 23 feet on 07.08.2013 from Sukhdev Singh. Vendor Santokh Singh had constructed a house. Petitioner claims to be the sixth purchaser vide an agreement to sell and claims to be absolute owner in possession. It is further contended that Narvail Singh s/o Surjan

Singh filed a complaint challenging the Will dated 13.02.1965, more than five decades later, by concealing the fact that a suit for declaration filed by his father Surjan Singh had already been dismissed on 14.09.2009. Narvail Singh had never filed any suit challenging the alleged Will. Petitioner further submits that he had initiated proceedings against Narvail Singh etc., who were harassing and threatening him in case property is not given to them, by filing CRM-M-19769 of 2015, upon which direction was issued to the Police to look into the grievance. Police filed the report and found the petitioner to be in lawful possession but despite that Narvail Singh succeeded in getting the FIR in question lodged against him, which is stated to be the misuse of the process of law.

3. Notice of motion was issued to the respondent. On the direction of the Court, petitioner placed on record copy of the Will dated 13.02.1965 (Annexure P.7).

4. In the reply filed by way of affidavit of Shri Sohan Singh, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, it is revealed that FIR was lodged against petitioner – Harcharan Singh on the application dated 11.07.2015 of Narvail Singh. That application was earlier enquired by Superintendent of Police (Detective), Tarn Taran but Narvail Singh was not satisfied with the inquiry and so appeared in the Office of Deputy Inspector General of Police, Amritsar and prayed for re-inquiry into the matter so as to bring out the truth. A Special Investigation Team was constituted comprising Superintendent of Police (Headquarter), Deputy Superintendent of Police (Detective), Tarn Taran

and In-charge CIA Staff as Members, which enquired the matter and found that Santa Singh @ Ranga Singh had gone abroad for a long time. He had his ancestral property and landed house at Village Lohka. Said Santa Singh had executed a Will dated 13.02.1965 in favour of Suhel Singh s/o Hakam Singh, Sewa Singh s/o Sher Singh but in the said Will, there was no mention of the ancestral house situated in Village Lohka. The said house was being looked after by Surjan Singh s/o Nand Singh and presently the same is being looked after by Narvail Singh – complainant who also has power of attorney in his favour given by family members of Ranga Singh. The documents produced by Harcharan Singh revealed that on the death of Suhel Singh, his property was transferred in the name of his two sons Jaswinder Singh and Balwinder Singh. On 06.12.2008, out of his ancestral property, 14 ½ marla of land was sold vide an agreement which included 10 marla Haveli and 4 marla of the residential place, to Sardool Singh. Sardool Singh sold 8 marla 23 feet area to Santokh Singh. Narpinder Singh out of his 8 marla 23 feet area gave his half share to Santokh Singh. Santokh Singh later on sold 8 marla 23 feet area to Harcharan Singh.

5. It was found on inquiry that Ranga Singh while executing the Will did not mention about his ancestral house. He had executed Will of his land only having khasra numbers, in favour of Suhel Singh and Sewa Singh on 13.02.1965. Balwinder Singh s/o Suhel Singh sold his due share from ancestral property i.e. 14 ½ marla to Sukhdev Singh and further sold 8 marla 23 feet to Narpinder Singh and Santokh Singh. Santokh Singh sold 8 marla to Harcharan Singh. It was disclosed by

Narpinder Singh during inquiry that he had not sold his share to Santokh Singh and the writing produced by Harcharan Singh was bearing his fake signatures. Besides, in the Will dated 13.02.1965 executed by Santa Singh @ Ranga Singh, it was written that it was his final and first Will and that he had not executed another Will. However, Harcharan Singh by making Suhel Singh as the only owner in the Will submitted a fake Will dated 20.01.1965 of the house of Ranga Singh. Harcharan Singh also relied on fake agreement to sell in his favour. It is further submitted that after completion of investigation, final report under Section 173 Cr.P.C has already been presented and case is now pending for trial.

6. It, thus, emerges that though the civil suit earlier filed by father of Narvail Singh was dismissed but that suit was only with regard to Will dated 13.02.1965. On the other hand, petitioner – Harcharan relied on a Will dated 20.01.1965 which has been found to be fake during investigation. Investigation is already complete. Challan has already been filed. Charges have already been framed and trial is going on for prosecution evidence.

7. In the afore-said circumstances, no case is made out for quashing the FIR No.273 dated 10.09.2015 registered under Sections 420, 467, 468, 471 IPC at Police Station Patti, District Tarn Taran or the subsequent proceedings arising therefrom.

8. Consequently, this petition is dismissed.

February 03, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No