

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

CRM-M-49235-2021

Date of Decision:-12.12.2023

Hardev Singh Gill.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Parminder Singh, Advocate for respondent nos.5 & 6.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 482 Cr.PC is for re-inquiry of the application 12.02.2021 against the private respondents for registration of case under Sections 420, 467, 468, 471, 120-B IPC.

2. The brief facts of the case are that a complaint dated 12.02.2021 (Annexure P-1) was submitted by the petitioner against his daughter-in-law Sarabjit Kaur Gill (respondent no.5) with the allegations that after the death of his son in an accident on 5.3.2014 his daughter-in-law had got transferred a car bearing Registration Number PB 70B-0018 make Skoda Octavia in her name in the year 2017 by putting fake signatures of her deceased husband Bakshish Singh Gill (son of the petitioner) whereas Bakshish Singh Gill had died on 05.03.2014.

The aforementioned application had been marked for an

inquiry. Vide inquiry report dated 7.9.2021 (Annexure R-1/T) it was found that no offence was made out as the investigating agency found that the respondent no.5 had disposed of a motor cycle on the basis of power of attorney given to her by her mother-in-law (wife of the petitioner).

Certain other complaints had also been given by other family members of the petitioner against the respondent no.5 which were inquired into and filed vide report dated 18.10.2022 (Annexure R-2/T). Now the instant petition has been filed seeking a re-inquiry into the complaint dated 12.02.2021.

4. The Counsel for the petitioner contends that the inquiry report Annexure R-1/T has been passed without due application of mind. In fact, the complaint was pertaining to the transfer of a Skoda Octavia Car based on the forged signatures of his deceased son-Bakshish Singh Gill but the inquiry report pertained to the transfer and subsequent sale of a motor cycle. Therefore, a re-inquiry was certainly necessary.

5. The Counsel for the State as well as counsel for the Complainant on the other hand contends that multiple complaints have been filed by the petitioner, his wife Manjit Kaur and other family members pertaining to various allegations including that of forgery, beatings etc. All the said complaints had been filed and it had been found that no offence had been made out. In fact one petition bearing CRWP-7087-2021 had been filed by the wife of the petitioner regarding the beatings having been given to her which petition had also been disposed of vide order dated 2.6.2023. Be that as it may, if the petitioner was aggrieved in any manner he was free to initiate his alternative remedies in accordance with law including but not limited to the filing of the private complaint before the Magistrate.

6. I have heard counsel for the parties.

7. Admittedly, the prayer in the present petition is for seeking the registration of the FIR. The Hon’ble Supreme Court in *Sakiri Vasu Vs. State of U.P. & Ors. 2008(1) RCR (Criminal) 392* has categorically held that a petition under Section 482 Cr.PC should not be entertained seeking the registration of an FIR and the petitioner should be relegated to the court of a Magistrate to initiate appropriate proceedings under Section 156(3) Cr.PC.
8. In view of the aforementioned dictum laid down by the Hon’ble Supreme Court the present petition is disposed of with liberty to the petitioner to avail his alternative remedies in accordance with law.
9. However, it is made clear that this Court has expressed no opinion on the merits of the respective contentions of either sides.

(JASJIT SINGH BEDI)
JUDGE

December 12, 2023
Vinay

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