

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

121.

CRM-M No.64979 of 2023 (O&M)

Date of Decision:22.12.2023

Jatinder Kukreja and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakshman Sharma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0660 dated 22.08.2023 registered under Sections 120B, 406 and 420 IPC registered at Police Station Karnal City, Karnal (Annexure P-1) and all subsequent proceedings arising therefrom.

2. Learned counsel appearing for the petitioners *inter alia* contends that case set out by respondent No.2-complainant in the FIR is that she is the sole legal heir of her unmarried deceased son namely Vijay Kumar and the petitioners in collusion with each other usurped Rs.4,20,000/- from her deceased son by transferring the said amount from his account to the account of one Satpal. Further, it was alleged that 5 Fixed Deposit Receipts (FDRs) of her deceased son were prematurely released after his death without any authorization. Petitioner No.1, being a bank employee, falsely inserted mobile number of other persons in the bank account record of her son. She made repeated complaints before the senior police officers but no action was taken thereon and ultimately, FIR in question was registered.

3. Learned counsel for the petitioners further contends that allegations levelled in the FIR in question are completely false and frivolous. In fact, the

deceased son of respondent No.2-complainant was residing with the petitioners, as deceased was having estranged relationship with his mother-respondent No.2 and brother. The deceased had been residing with the petitioners' family for the last 8-9 years. He was suffering from diabetes, high blood pressure and chronic kidney disease and it was the petitioners' family, which was looking after him. In this regard, reliance is placed upon medical prescriptions annexed with the present petition as Annexure P-2. Further, petitioner No.2 purchased a property in Prem Colony, Karnal jointly with the deceased-Vijay and copy of the sale deed dated 08.12.2017 is annexed as Annexure P-3. Petitioner No.2 and deceased-Vijay jointly opened Fixed Deposit Receipts (FDRs) in SBI Bank nominating petitioner No.3 as nominee. Copy of said FDR is annexed as Annexure P-4. It is further contended that before demise of deceased-Vijay, petitioner No.2 out of love and affection executed a will in his favour of movable and immovable property, copy of which is annexed as Annexure P-5. After death of Vijay, respondent No.2 claimed right over his property and convened a panachayat on 12.12.2021 at Krishna Mandir, Sector 14, Karnal and when the petitioners did not succumb to the pressure mounted by respondent No.2, she instituted a civil suit titled as *Yashoda Devi s/o Sh. Veer Bhan Ahuja Vs. Deepti w/o Jitender Kukreja*. Copy of the plaint is annexed as Annexure P-6. Further reliance is also placed on inquiry report dated 30.01.2022 (Annexure P-7) submitted by the SHO on the complaint made by respondent No.2 on 03.01.2022 as well as the inquiry report dated 28.07.2022 (Annexure P-8) submitted by DSP on the complaint made by respondent No.2 on 25.05.2022 as well as inquiry report dated 17.04.2023 (Annexure P-9) of DSP City Karnal and inquiry report dated 05.05.2023 (Annexure P-10) forwarded by SP Karnal to IG, Police, Karnal whereby it is concluded that the entire dispute is of civil nature, which is pending

consideration before the civil court. It is further submitted that the petitioners would be satisfied in case all the documents, which are annexed with the present petition are considered by the investigating officer before submitting the final report under Section 173 Cr.P.C.

4. Notice of motion.
5. On receipt of advance notice, Ms. Geeta Sharma, DAG, Haryana has put in appearance and submits that she has no objection in case the investigating officer is directed to consider all the documents, which are annexed with the present petition before preparing the final report under Section 173 Cr.P.C.
6. I have heard learned counsel for the parties and perused the paper book. With the consent of parties, the matter is taken up for final disposal.
7. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider all the documents which are annexed with the present petition before preparing final report under Section 173 Cr.P.C.
8. It is clarified that in case a final report under Section 173 Cr.P.C. is against the petitioners, the petitioners would be at liberty to file a fresh petition to challenge the FIR as well as the final report under Section 173 Cr.P.C.

(HARPREET SINGH BRAR)
JUDGE

December 22, 2023
Pankaj*

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