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

CRM-M-123-2014 (O&M)

Date of Decision:- 11.11.2024

Karuna Bhardwaj and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Navkiran Singh, Advocate
for the petitioners.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. Petitioner Karuna Bhardwaj and Rajesh Bhardwaj have filed petition under Section 482 of Cr.P.C. for quashing of FIR No. 178 dated 05.08.2013 (Annexure P-1), registered under Sections 420/465/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar and all other subsequent proceedings arising therefrom, with further prayer to stay proceedings in the Court of learned Judicial Magistrate Ist Class, Jalandhar, fixed for 15.01.2014.

2. As per facts narrated in FIR, on the complaint of Avtar Kaur, another FIR No. 3 dated 13.02.2012 was registered under Sections 406/420/448/465/467/468/471/474/120-B of IPC at Police Station NRI, District Jalandhar City against Rajesh Bhardwaj and Karuna Bhardwaj. Investigation was done by Additional Deputy Commissioner of Police.

Dispute was regarding sale of Kothi No. 304-L, Model Town, Jalandhar.

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Said Avtar Kaur and her daughter Daljit Kaur were permanent residents of England. Avtar Kaur was General Power of Attorney holder of her daughter, who was owner of aforesaid house. In the first week of November, Avtar Kaur was to leave for England for treatment of her husband, who was suffering from cancer. Karuna Bhardwaj (petitioner No.1) was on visiting terms with Avtar Kaur. She was aware of dispute regarding aforesaid Kothi who offered help on humanitarian grounds. Avtar Kaur, before leaving for England, was to hand over said Kothi to Karuna Bhardwaj to look after the same. Both accused (petitioners) got familiar with complainant Avtar Kaur. Taking undue advantage of her family condition and other cases, they procured her signatures on blank stamp papers and on one register so that they could look after the property in her absence. After reaching England, she canceled said Power of Attorney, as a result, both Rajesh Bhardwaj and Karuna Bhardwaj got angry. They started saying that she had entered into an agreement to sell regarding said Kothi after receiving Rs. 3 lakhs, with total consideration of Rs. 34 lakhs and in pursuance of that, they were delivered possession of said Kothi. They further insisted that in case transaction did not materialize, they were entitled to receive double the amount. In fact, she did not receive any amount from Rajesh Bhardwaj and Karuna Bhardwaj, who committed fraud with her. During investigation of FIR No. 03 dated 13.02.2012 (supra), Rajesh Bhardwaj was arrested on 25.06.2012 and bail application of Karuna Bhardwaj was declined by learned Additional Sessions Judge, Jalandhar, vide order dated 19.04.2012 and also declined by Punjab and Haryana High Court at Chandigarh vide order dated 02.05.2012 and by

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Hon'ble Supreme Court of India vide order dated 19.07.2012. Regarding this FIR, TPM No. 9937-39/I.V.C was received from I.V.C-cum-Human Rights, Punjab, Chandigarh on 20.09.2012, stating that investigation regarding FIR was conducted by their office and inquiry report was awaited. Copy of this letter was given to Commissioner of Police, Jalandhar, Additional Deputy Commissioner of Police and SHO, NRI, Jalandhar. Proclamation proceedings qua Karuna Bhardwaj had initiated and Investigating Officer was to appear in the Court of learned Judicial Magistrate Ist Class, Jalandhar. It was observed that Karuna Bhardwaj had filed application in Court to stop proclamation proceedings by filing application along with letter number 9937-39/I.V.C dated 20.09.2012, addressed to Commissionerate Jalandhar and copy to Commissioner of Police, Jalandhar where it was mentioned that Rajesh Bhardwaj and Karuna Bhardwaj joined inquiry in their office and it came to light that both were falsely implicated in FIR in connivance with some police officials. It was further mentioned that further proceedings be stopped and Karuna Bhardwaj be not arrested and proclamation proceedings be also canceled and to await further directions. In this connection, matter was verified from the office of I.V.C-cum-Human Rights, Punjab, Chandigarh and vide letter No. 663-ADGP dated 29.10.2012, said letter was found to be fake. With these allegations, present FIR was registered.

3. Learned counsel for petitioners argued that Baldev Singh son of Mehar Singh resident of U.K. was having friendly relations with Avtar Kaur and had purchased house in dispute measuring 6.5 marlas located in Model Town, Jalandhar from Ajit Singh vide sale deed dated 02.06.1997,

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(Annexure P-2). He gave Special Power of Attorney dated 04.03.1999 in favour of Avtar Kaur, (Annexure P-3). Avtar Kaur, on the basis of Special Power of Attorney sold half share in said house to her daughter Daljit Kaur Mistri vide sale deed dated 14.11.2008, (Annexure P-4). Thereafter, said Baldev Singh also sold the house to Paramjit Singh vide sale deed dated 23.12.2008, (Annexure P-5). Avtar Kaur obtained General Power of Attorney from her daughter Daljit Kaur and further gave Special Power of Attorney to Manjinder Singh and Munish Kumar, dated 29.04.2010, (Annexure P-6) and by using said Special Power of Attorney, Manjinder Singh and Munish Kumar sold property to the extent of half share to Jaswant Kaur and Amit Kumar vide sale deed dated 03.06.2010, (Annexure P-7). Later on, on the statement of Avtar Kaur, FIR No. 8 dated 07.09.2010, under Sections 406/420/448/380/511/120-B of IPC (Annexure P-8) was registered at Police Station NRI, District Jalandhar, and said Avtar Kaur came in contact with petitioner No.2 Rajesh Bhardwaj; who is an Advocate. Said Avtar Kaur disclosed to petitioner No. 1 Karuna Bhardwaj regarding aforesaid civil litigation and expressed her desire to sell her share in the property to petitioner No. 1 Karuna Bhardwaj and was ready to give attorney to petitioner No. 2 Rajesh Bhardwaj. In this connection, Avtar Kaur entered into an agreement to sell for sale of ½ share of said house measuring 6.5 marlas for a consideration of Rs. 35 lakhs, out of which Rs. 3 lakhs were paid to Avtar Kaur at the time of said agreement. Copy of agreement dated 06.11.2010 is Annexure P-9 and copy of Power of Attorney is Annexure P-10. It is argued that Avtar Kaur, who was settled in United Kingdom was able to commit fraud with many persons and on



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reaching England, she revoked Power of Attorney vide legal notice dated 11.04.2011 (Annexure P-11). On the complaint of Avtar Kaur, FIR No. 3 dated 13.02.2012 was registered under Sections 406/420/448/465/467/468/471/474/120-B of IPC at Police Station NRI, District Jalandhar City, (Annexure P-12). After completion of investigation, challan was prepared on 07.08.2012 and presented before learned Judicial Magistrate Ist Class, Jalandhar on 21.08.2012 (Annexure P-13). Aforesaid FIR has been challenged by petitioner No. 2 by filing CRM-M-29033-2012, titled "Rajesh Bhardwaj Vs. State of Punjab and another", which is pending in High Court.

Regarding the allegations leveled in present FIR No. 178 dated 05.08.2013 (Annexure P-1), registered under Sections 420/465/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar, communication was received from the Office of Internal Vigilance Cell, Punjab Police dated 25.10.2012, which is Annexure P-14. Prosecution alleged that letter dated 20.09.2012, Annexure P-15, available in the record of Court was allegedly filed by petitioners and it is further alleged that said letter is a forged document. Learned counsel for petitioners assailed the contents of FIR No. 178 dated 05.08.2013 (supra), Annexure P-1, on the ground that firstly said letter was never placed on record by petitioners in the Court file. No such evidence is available either in the shape of *zimni* order or application moved by petitioners. Secondly, said letter is only a photostat copy of alleged forged document and no conclusion can be drawn from the same. Even otherwise, in application dated 14.09.2012, (Annexure P-16), there is no reference of disputed letter

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dated 20.09.2012, (Annexure P-15). There is another application dated 24.09.2012 moved by Rajesh Bhardwaj, Annexure P-17. Reply to said application dated 30.10.2012 is Annexure P-18, in which it was alleged that letter dated 20.09.2012 was a forged one. Thereafter, Investigating Officer filed an application, (Annexure P-19), to inspect judicial file. Another application, (Annexure P20), was moved to procure copy of said letter. At this stage, objection was raised that original letter was not on record nor it was exhibited. Copy of TPM message addressed to Commissioner of Police, Jalandhar, is Annexure P-21. There was no reason for petitioners to forge any document. In case letter dated 20.09.2012 was a forged document, concerned Court could have taken cognizance. The Investigating Agency is helping complainant Avtar Kaur, who is an NRI lady. Present petitioners are being harassed unnecessarily. Criminal proceedings are being initiated with ulterior motive qua present petitioners, therefore, same be quashed by accepting present petition.

4. Learned counsel representing State opposed the petition. In the case in hand, status report has been called from time to time. Learned counsel representing State referred to status report dated 19.11.2014, explaining that in FIR No. 3 dated 13.02.2012 registered under Sections 406/420/448/465/467/468/471/474/120-B of IPC at Police Station NRI, District Jalandhar City, Rajesh Bhardwaj petitioner No. 2 was arrested but Karuna Bhardwaj wife of Rajesh Bhardwaj, was absconding from law. Her anticipatory bail applications were dismissed from time to time, up to Hon'ble Supreme Court of India vide order dated 06.07.2012. Proclamation proceedings were initiated against her by learned Judicial Magistrate Ist

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Class, Jalandhar, vide order dated 23.05.2012. At this stage, petitioners prepared forged order of Additional Director General of Police, I.V.C-cum-Human Rights, Punjab, Chandigarh dated 20.09.2012, (Annexure P-15). As per this letter in question, it was mentioned that Karuna Bhardwaj be not arrested and proceedings to declare her Proclaimed Offender be canceled until further orders. This fake letter was prepared and produced in Court to nullify proceedings which were going on against Karuna Bhardwaj. Petitioners filed application before Commissioner of Police on 22.09.2012 along with forged document of Additional Director General of Police, I.V.C-cum-Human Rights, Punjab, Chandigarh along with letter Annexure P-15, with malafide intention to mislead the police as well as Court. They also moved application in Court on 24.09.2012 along with forged letter, Annexure P-15. Court file was inspected and facts were verified by writing letter No. 4690/PC dated 04.10.2012, (Annexure R-1) addressed to ADGP/IVC-cum-Human Rights to check the authenticity of disputed letter dated 20.09.2012 and in response to said letter, reply vide letter No. 10739 dated 26.10.2012, (Annexure R-2) was received, confirming that disputed letter No. 9937-39/I.V.C was not issued by them addressed to Commissioner of Police, Jalandhar. After conducting proper inquiry, present FIR was registered. Anticipatory bail application filed by Karuna Bhardwaj was dismissed as withdrawn as per order dated 18.12.2013, (Annexure R-3) and another anticipatory bail application in FIR No. 178 dated 05.08.2013 bearing CRM-M-17059-2014 was again dismissed vide order dated 26.05.2014, (Annexure R-4). Petitioner No. 1 Karuna Bhardwaj was declared Proclaimed Offender by learned Judicial Magistrate Ist Class,

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Jalandhar, vide order dated 23.01.2014, (Annexure R-5). She is also declared Proclaimed Offender in FIR No. 03 dated 13.02.2012, vide order dated 27.05.2014, (Annexure R-6). In FIR No. 178 dated 05.08.2013, Annexure P-1, challan has been presented against petitioner No. 2 and he has been charge-sheeted. Copy of charge-sheet is Annexure R-7. It is further pointed out that petitioners are involved in four other FIRs as detailed in para No. 3 of status report. Aforesaid factual position is confirmed in subsequent status reports dated 12.01.2015, 22.07.2016, 28.03.2017 and 29.06.2017. In last status report, it was further clarified that TPM No. 9937-39/I.V.C dated 20.09.2012 was sent by Balbir Singh, then DSP/I.V.C at his own level to the Commissioner of Police, Jalandhar, without getting approval from ADGP, I.V.C-cum-HR, Punjab, Chandigarh and regarding this, case was recommended to Director General of Police, Punjab to initiate regular departmental inquiry against Balbir Singh, then DSP/I.V.C, who retired on 30.11.2016. It is argued that matter in controversy requires recording of evidence. Therefore, impugned FIR No. 178 dated 05.08.2013 (Annexure P-1), registered under Sections 420/465/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar cannot be quashed qua present petitioners.

5. I have considered the arguments advanced before me and have gone through the record carefully. FIR No. 178 dated 05.08.2013 (Annexure P-1), registered under Sections 420/465/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar was registered in consequential to investigation which was going on in FIR No. 3 dated 13.02.2012 registered under Sections 406/420/448/465/467/468/471/474/

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120-B of IPC at Police Station NRI, District Jalandhar City, (Annexure P-12). Matter in controversy involved in present case is that in FIR No. 3 dated 13.02.2012 (supra), Rajesh Bhardwaj petitioner No. 2 was arrested. Whereas, Karuna Bhardwaj, petitioner No. 1, who is wife of Rajesh Bhardwaj petitioner No. 2 was absconding from law and as a result, proclamation proceedings were initiated against her. It is matter of record that anticipatory bail applications filed by Karuna Bhardwaj petitioner No. 1 were dismissed by all Courts, including Hon'ble Supreme Court of India. Ultimately, proclamation proceedings were initiated against petitioner No. 1 vide order dated 23.05.2012. As per prosecution case, at this stage, petitioners relied upon a forged letter written by Additional Director General of Police/I.V.C-cum-Human Rights, Punjab, Chandigarh, addressed to Additional Director General of Police/I.V.C-cum-Human Rights, Punjab, Chandigarh, bearing letter No. 9937-39/I.V.C dated 20.09.2012, Annexure P-15 and on verification, said letter was found to be a fake document. Petitioners have relied upon application dated 14.09.2012, Annexure P-16 by alleging that fake letter, Annexure P-15, was never referred in said application. This argument advanced by learned counsel for petitioners does not hold any ground as application dated 14.09.2012, Annexure P-16, was filed prior to alleged forged/fake letter dated 20.09.2012, which is Annexure P-15. There is another application dated 24.09.2012, filed by petitioner No. 2, Annexure P-17, addressed to the Court for dropping proceedings of proclamation for securing presence of Karuna Bhardwaj. In said application, there is reference that present petitioners joined investigation initiated by I.V.C. and they did not avoid

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process of Court. Said application was contested by prosecution by giving reply, Annexure P-18 and specific stand was taken in para No. 5 on merits that accused have prepared forged document of I.V.C. and one reply was annexed confirming that said letter was forged. It is a matter of record that prosecution filed application to inspect the record and also tried to obtain copy of same. Since said disputed letter dated 20.09.2012 was photostat copy and was not exhibited, therefore, copy was not issued. Along with status report, letter written by Commissioner of Police, Jalandhar, addressed to Additional Director General of Police/IVC-cum-Human Rights, Punjab, Chandigarh dated 04.10.2012, (Annexure R-1), is placed on record and communication received from the Office of Additional Director General of Police/I.V.C-cum-Human Rights, Punjab, Chandigarh dated 26.10.2012, (Annexure R-2) is placed on record, confirming that said letter was never issued by their office with No. 9937-39/ I.V.C dated 20.09.2012 (Annexure P-15) and in status report, it was further clarified that TPM No. 9937-39/I.V.C dated 20.09.2012 (Annexure P-15) was sent by Balbir Singh, DSP/I.V.C, without getting approval from ADGP/I.V.C-cum-Human Rights, Punjab, Chandigarh and regarding this, departmental inquiry was recommended against the said officer.

6. Therefore, matter in controversy regarding reliance upon forged letter dated 20.09.2012, Annexure P-15 by petitioners, is a matter of evidence and this fact can be ascertained after recording alleged prosecution evidence. Petitioner/accused facing trial can take appropriate defence during trial. Status report filed by official respondent clarifies that in FIR No. 178 dated 05.08.2013 (Annexure P-1), registered under Sections



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420/465/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar, petitioner No. 1 is already declared a Proclaimed Offender, whereas challan has been presented against Rajesh Bhardwaj, against whom charges have been framed. Copy of charge-sheet is annexed as Annexure R-7.

In the light of this, considering the matter in controversy, I do not find merits in the petition filed by petitioners seeking quashing of FIR No. 178 dated 05.08.2013 (Annexure P-1), registered under Sections 420/465/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar and same is accordingly dismissed.

6. Interim granted vide order dated 07.03.2017 stands vacated accordingly.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

11.11.2024
lalit

(AMARJOT BHATTI)
JUDGE

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