

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11004-2024

Date of Decision : 10.04.2024

DEEPAK

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. The petitioner, who is an accused in case FIR No.217, dated 27.03.2021 (Annexure P-1), registered under Section 406 and 420 of the IPC, (Sections 419, 467, 468, 471 and 120-B IPC added later on), at Police Station City Yamunanagar, District Yamunanagar, has approached this Court for quashing of aforesaid FIR, alongwith all consequential proceedings arising therefrom, by invoking the provisions of Section 482 Cr.P.C.

2. One Mr. Mridul Garg, set the prosecution agency into motion by making a complaint against four persons, out of which present petitioner, is the main accused, against whom allegation therein, is that he prepared a forged Will of Sh.Jai Kant Jindal, who had died issueless on dated 27.04.2019.

3. The relevant extract of the FIR reads as under:-

“Copy of contents of the complaint is as under: - To,
The Superintendent of Police, District Yamuna Nagar. Subject:

Application for registering a case against (i) Ankur Kumar S/o Dinesh Kumar, resident of 8A, Adarsh Nagar, Yamuna Nagar, (2) Akal Chand S/o Jaimal, resident of Behlolpur, District Saharanpur (3) Vinod Kumar S/o Mahavir Prasad, resident of H.No. 841, Samadh Gali, Jagadhri, District Yamuna Nagar, (4) Raman Singh Chauhan, Advocate, Jagadhri Court, 93158-33397 Sir, it is requested that Shri Jaikant Jindal, son of Shri Balwant Rai Jindal, resident of house no. 1336, Jindal House, Yamuna Gali, Yamuna Nagar, was my real brother, who died on 27.04.2019. He had no children of his own. Now I, the applicant and my brother Mr. Anil Kant Jindal, who lives in Canada, are the heirs of Mr. Jaikant Jindal and apart from us, Mr. Jaikant Jindal has no other heir. Shri Jaikant Jindal has a lot of property in his name in Yamuna Nagar district. Many people, thinking that Shri Jaikant Jindal was alone, have prepared fake wills with the intention of usurping his property. Firstly, Harpreet Singh, resident of Naharpur, approached M.C. to get the property of Shri Jaikant Jindal transferred in his name on the basis of a fake will. The application was given in Yamuna Nagar, after coming to my notice, I have registered a case/FIR No. 0115/2020 against him and others in police station Sector-17, HUDA Jagadhri. Which is being investigated by the Economic Offenses Wing. Similarly, accused Vinod Kumar has also prepared a fake will of Shri Jaikant Jindal along with other accused and in which the date is shown as 25.04.2019. This will has been fraudulently prepared by the accused persons with the help of other people with the intention of usurping the property of Shri Jaikant Jindal by claiming servant to him. Accused Vinod Kumar neither had any relation with our family nor was he ever a servant of my brother Jaikant Jindal. But with the intention of grabbing the property of Shri Jaikant Jindal, the accused Vinod Kumar is calling himself a servant of my brother. Whereas, he was never my brother's servant. In the fake will dated 25.04.2019, the age of my brother Shri Jaikant Jindal is mentioned as 60 years and his father's name is Balwant Ram Jindal, whereas at that time my brother was 68 years old and father's name was Balwant Rai. Raman Singh Chauhan was never my brother's lawyer and Shri Jaikant Jindal had no connection with the false witnesses namely Ankur Kumar and Akal Chand as mentioned on the will. Fake witness Akal Chand has written the name of his village as Behlolpur, whereas he is a resident of Jharauli village and only does fraudulent work. Vinod Kumar has also made his acquaintance Ankur Kumar a false witness in this will. On the basis of fake will, Vinod Kumar had given an application to Yamuna Nagar Committee to get house number 1336 transfer in his name. Along with the application, Vinod Kumar has also attached his false affidavit and fake death certificate of Jaikant Jindal. This death certificate has been obtained by Vinod Kumar through presenting some Suman Jindal as wife of Jaikant Jindal, from Committee Yamuna Nagar. Whereas no woman named Suman Jindal was the wife of Shri Jaikant Jindal. Otherwise also, Shri Jaikant Jindal died in Civil Hospital Yamuna Nagar and Civil Hospital Yamuna Nagar has issued death certificate on 15.05.2019. On the basis of fake will, Vinod Kumar has filed applications in many cases to become the heir of Shri Jaikant Jindal. Advocate Raman Chauhan is also in collusion with the culprits and at the behest of Akal Chand, he has put his seal on the fake will with no serial number, recorded. Therefore, I request you to register a case against the above-mentioned accused persons and their associates. They have formed a

gang in which many people are involved and from them our lives and property should be protected and we should get justice. It will be so kind of you. Thank you. Sd:- Mridul Garg, Applicant Mridul Garg wife of Shri Mohan Lal Garg resident of Press Lane, Kheda Bazar Jagadhri, District Yamuna Nagar. Mob. No. 9017574778 Dated 02.02.2021.”

4. The allegation clearly spells out against the petitioner that he forged a Will, and thereafter, got transferred the entire property of the deceased-Jai Kant Jindal, in his name.

5. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner has already preferred a civil suit whereby, he seeks a declaration *qua* the property mentioned in the plaint belonging to the deceased-Jai Kant Jindal, on the basis of a Will. In that suit general public as well as the Sub-Registrar, and Municipal Corporation, Yamunanagar, have been arrayed as respondents, and the complainant has also caused appearance in that suit on dated 18.01.2021, and impleaded himself as a party.

6. Learned counsel for the petitioner has placed reliance upon a judgement passed by the Hon'ble Supreme Court in **Sardool Singh and another vs. Nasib Kaur (Smt.)**, 1987(supp.) SCC 146; and a judgement passed by the High Court of Madhya Pradesh, in **Vinod Kumar vs. The State of Madhya Pradesh**, (MCRC-7040-2016, decided on 01.08.2016).

7. Learned counsel for the petitioner submits that since the civil suit is pending, where the issue of Will is under challenge, therefore, the criminal proceedings is not maintainable.

8. On the other hand, learned State counsel vociferously opposed the grant of relief (*supra*) to the petitioner.

9. This Court has heard the learned counsel for both the parties concerned, and has examined entire case file, as well as the judgment rendered by the Hon'ble Apex Court, and thereupon, this Court is of the view that the instant petition is devoid of any merits, for the reason that in the instant case, after registration of the FIR, the investigation was carried out, and has already been completed, and one of the witnesses, who drafted the Will, also cited as a prosecution witness, has not supported the case of the present petitioner, which *prima facie* gives inference that the Will is a result of fabrication.

10. So far as the reliance placed upon, by learned counsel for the petitioner on the judgment passed by the Hon'ble Apex Court in Sardool Singh's case (*supra*), is concerned, the facts in that case are altogether different. In that case, the issue for grant of probate was pending before the learned District Court concerned, and the civil suit was also pending with regard to the question of validity of Will, therefore, the Hon'ble Apex Court concluded in those circumstances that the FIR in question is not maintainable, as the veracity of the Will is yet to be established.

11. Whereas, in the present case, petitioner was totally alien to the deceased-Jai Kant Jinal, who was living alone, and, as per the allegations, after his death the petitioner not only prepared a forged Will, but also filed suit by impleading only general public as well as the Sub-Registrar and Municipal Corporation, Yamunanagar, as respondents, without impleading Class-I legal heirs of the deceased, as a party, which reflects the conduct of the petitioner.

12. The Class-I legal heirs of the deceased, who mainly resides in USA after coming to know about the illegal act of the present petitioner, got themselves impleaded as a party in the above mentioned civil suit, and now the petitioner wants to take the benefit of that civil suit, seeking quashing of the criminal proceedings against him. The conduct of the petitioner as well as the evidence collected during the investigation, *prima facie* reflects that the petitioner has forged the Will of the deceased-Jai Kant Jindal, in order to deprive his Class-I legal heirs, specifically when he has no relation with the deceased.

13. In view of the facts and circumstances recorded hereinabove, the asked for relief of quashing of FIR (*supra*) simply on the ground of pendency of the civil suit, cannot be granted to the present petitioner.

14. Consequently, the instant petition is **dismissed**.

April 10, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No