

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5115-2018 (O&M)

Decided on 12.07.2024

Baljit Kaur & Ors.

... Petitioners

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Saurabh Kaushik, Advocate for the petitioners

Mr. Jaspal Singh Guru, AAG Punjab

Mr. Dinesh Maurya, Advocate for
Mr. GS Sandhu, Advocate for respondent No.2

Sandeep Moudgil, J.

- (1). The petitioner has approached this Court under Section 482 CrPC seeking quashing of the FIR No.145 dated 20.12.2016 (Annexure P1) under Section 420 IPC registered at Police Station Kotwali Nabha, District Patiala and consequential proceedings arising therefrom.
- (2). Learned counsel for the petitioners submits that the instant FIR was lodged by complainant-Rimpi, who is daughter-in-law of the petitioner No.2-Karnail Singh, alleging that the petitioners prepared fake pedigree table in order to embezzle her rights. He further submits that petitioner No.2 had already disowned the son of petitioner No.2, namely, Satguru Singh, who was husband of the respondent No.2-complainant.
- (3). It is further argued that a civil suit for setting aside the transfer deed has been filed by respondent No.2 before the Civil Court and in the said Civil Suit, the petitioners have been restrained for further alienating the suit

land as such, the instant FIR has been filed for giving criminal colour to the civil dispute.

(4). Reply has been filed by respondent No.1/State wherein it has been averred that the petitioners in connivance with each other have grabbed the share of respondent No.2 and her daughters after the death of her husband, in the ancestral property. Learned State counsel submits that the investigation in the case is complete and challan was presented on 12.01.2018 and the judgment of the trial court is awaited since further proceedings were ordered to be stayed before the trial court vide order dated 11.07.2018 of this Court.

(5). Respondent No.2 has also filed reply stating that the averments raised by the petitioners are disputed question of facts and the action of the petitioners in illegally transferring the property in favour of their kith and kins depriving the legitimate claim of LRs of Satguru Singh clearly constitutes criminal offence.

(6). Heard learned counsel for the parties.

(7). It is not disputed that the respondent No.2 is the wife of son of petitioner No.2, namely, Satguru Singh and after his death on 11.05.2014, the ancestral property was transferred amongst the petitioners whereas their daughter-in-law, namely, respondent No.2 and her children were deprived of their legal rights. At the first instance, the allegations of cheating and duping the respondent No.2 and her children cannot be brushed aside mechanically for the reason that in the investigation conducted by the prosecution in the FIR, the respondent No.2 barely managed to get the lease money from the petitioners and that too after intervention of the police. It has also come in the reply that the petitioners-accused in connivance with the Nambardar witness also

prepared fake pedigree table for the purpose of transfer of property in blood relation of the petitioners without disclosing the fact that their deceased son is survived by legal heirs. The fraud is apparent enough whereby the petitioners intentionally deprived their daughter-in-law and two grand-daughters of their legitimate right of the ancestral property.

(8). In case of State of A.P. v. Aravapally Venkanna & Anr., (2009) 13 SCC 443, the Supreme Court has held that exercise of power under Section 482 CrPC is an exception and not the rule and the acceptability of materials to fasten culpability is a matter of trial. It held that the inherent power should not be exercised to stifle a legitimate prosecution and when FIR discloses commission of an offence, interference with FIR at threshold is to be in very exceptional circumstances.

(9). In the present case, the allegations of fraud and cheating done to the widowed daughter-in-law and her two daughters are made against the petitioners. Deprivation of right to ancestral property by making fake pedigree in respect of the son of the petitioner No.2, *prima facie*, is fraud and collusion that vitiate even the most solemn proceedings in any civilised system of jurisprudence.

(10). No case is made out to quash the FIR at this stage when the proceedings before the trial court are ripe. Let the truth prevail.

(11). Dismissed.

12.07.2024
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No