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

CRM-M-26162-2020(O&M)

Date of Decision:- 22.08.2024

Balwant Singh

...Petitioner

Vs.

State of Punjab and Ors.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Prateek Gupta, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner – Balwant Singh has filed petition under Section 482 Cr.P.C. for directing transfer of inquiry/investigation pertaining to complaint dated 24.12.2019 (Annexure P-1) on the allegations of cheating by his own sons respondents No.7 & 8 outside the territorial limit of Ludhiana or to any independent investigating agency or in the alternative directing the official respondents to take appropriate action in accordance with law against private respondents with further direction to protect his life and liberty or any other appropriate order/direction which the Court may deem fit and proper in the given facts and circumstances of the case.

2. Learned counsel for petitioner argued that at the time to filing this petition, petitioner was 86 years old. He is a senior citizen. He had filed a complaint dated 24.12.2019 (Annexure P-1). Local police authorities did not

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inquire properly nor registered the FIR. Respondents are politically connected and are influential persons. It clearly shows that respondent No.7 in conspiracy with respondents No.8 to 10 cheated/defrauded the petitioner by illegally executing transfer deed dated 27.11.2014 regarding the property in question. Despite the fact that said property was already sold by respondent No.7 in favour of petitioner vide agreement dated 04.06.2007 by receiving full and final consideration of Rs.20 lacs and the possession was also delivered in favour of petitioner. Petitioner is in possession of this property till date. After the laps of eight months no FIR has been registered despite sending repeated e-mails to the official respondents. Agreement in favour of petitioner dated 04.06.2007 is Annexure P-4. Copy of transfer deed dated 27.11.2014 is Annexure P-5. Petitioner had no knowledge about the said transfer deed. Now petitioner and his family members have serious threat to their life and liberty as well as property from the hands of respondents No.7 to 10. Ultimately, present petition has been filed. He prayed that official respondents may be directed to register the FIR or to transfer the investigation in this complaint outside the territorial limits of Ludhiana.

3. Learned counsel representing State of Punjab filed affidavit dated 12.10.2020. Application was marked and inquiry was conducted by ADCP-CBI, Ludhiana and as per the inquiry report, recommended registration of case under Section 420, 120-B of IPC. On the inquiry report opinion of District Attorney, Ludhiana was obtained and it was opined that there is civil litigation pending between family members regarding this property. Dispute between the parties is regarding division of property. Balwant Singh has already filed civil suit for specific performance of agreement to sell dated 04.06.2007 which is pending adjudication. Therefore, no interference by

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police was required. Supplementary status report dated 18.06.2021 and another affidavit dated 26.09.2023 were filed during the pendency of present petition, in which it was again reiterated that the matter in controversy was regarding family dispute concerning property. Therefore, no interference was required.

4. I have considered the arguments and the status report filed by learned counsel representing State from time to time. Matter in controversy is that petitioner is claiming title as well as possession over the property on the basis of one agreement dated 04.06.2007 and civil litigation is going on. Dispute regarding property will be adjudicated finally by the civil Court. Under these circumstances, official respondents did not deem it proper for the registration of FIR.

5. In the aforesaid factual position, it will not be appropriate to give any direction and the petition filed by petitioner is accordingly declined with liberty to petitioner to seek appropriate remedy against the private respondents if any as provided under Cr.P.C.

6. Petition is accordingly, disposed of.

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

22.08.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No