



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-59786-2023
Date of decision: November 28th, 2024

Ram Gopal
.....Petitioner

Versus

Dr. M.K. Bhatia and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjay Verma, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for setting aside the order dated 11.04.2018 passed by learned JMIC, Faridabad, vide which a criminal complaint No.COMI/498/2015 dated 12.08.2015 filed by the petitioner was dismissed, revision petition against which filed by the petitioner was also dismissed vide order dated 28.08.2023 passed by learned Additional Sessions Judge, Faridabad.

2. As per the allegations levelled by the petitioner/complainant (hereinafter referred to as complainant), his maternal grandfather Guljari, passed away, leaving behind his widow, Ramkali, who transferred her property to her maternal grandsons, including the complainant, through a decree of a Civil Court in the year 1975. It was further alleged by the complainant that after the death of Sukhiya, widow of Rajpal (cousin of Guljari), the respondents conspired to tamper with the death register maintained by the office of Chief Medical Officer (CMO), Faridabad. According to the complainant, the name of Rajpal was fraudulently replaced with that of Guljari as

Sukhiya's husband to facilitate the usurpation of his property. Allegedly, respondent No.1, a public servant, manipulated the death register while respondent No.2, widow of Sri Ram (son of Jeet Ram) benefited from this forgery. It was alleged by the complainant that a forged death certificate was issued based on the tampered records to support the conspiracy.

3. Learned counsel for the complainant has reiterated the allegations levelled by him in the complaint in question, emphasizing that the tampering of records and the conspiracy were carried out with the intent to deprive the complainant of his rightful property. It has been contended that the learned trial Court failed to appreciate the extensive oral and documentary evidence presented by the complainant, which included depositions of seven witnesses, the death register, revenue records, voter list, pedigree tables, and also judgments from the related civil suits. Learned counsel asserted that these pieces of evidence clearly established the culpability of the respondents.

4. Additionally, learned counsel for the complainant asserted that the learned trial Court overlooked the claims of the complainant regarding the malicious intent behind the tampering and the resultant benefit, which accrued to respondent No.2. Learned counsel argued that the trial Court erred in concluding that there was no conspiracy or tampering, despite ample evidence to the contrary.

5. I have heard learned counsel for the petitioner and perused the relevant material on record.

6. Upon a thorough examination of the material on record as well as the impugned order, this Court finds that the allegations against

the respondents were not substantiated by sufficient evidence.

7. The complainant failed to provide any direct evidence to prove that respondent No.1, a public servant, tampered with the death register with *mala fide* intent or in conspiracy with respondent No.2. The alleged tampering took place in the year 1984, a decade after the original entry in the year 1974, and no cogent much less concrete evidence was presented to prove that respondent No.1, in his capacity as CMO, was responsible for altering the records in question.

8. Even assuming, for the sake of arguments, that respondent No.1 altered the records, such actions, if undertaken in his official capacity as a public servant, would require prior sanction from the competent authority under Section 197 of the Cr.P.C. In the absence of such sanction, the prosecution against respondent No.1 could not have proceeded.

9. The complainant failed to present any specific evidence to demonstrate the involvement of respondent No.2 in the alleged conspiracy or to show that she had directly benefited from the purported tampering of public records. The complainant did not even explain why the alleged conspiracy involved only the widow of Sri Ram, respondent No.2, while excluding other potential beneficiaries, such as the brothers of Sri Ram.

10. This Court, therefore, concurs with the observations and the findings of the learned trial Court that, in the absence of any cogent much less convincing evidence, it cannot be presumed that a private individual, i.e. respondent No.2, tampered with public records. This Court finds no compelling reasons to interfere with the findings

recorded by the learned trial Court.

11. The instant petition stands dismissed.

November 28th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No