

2025:PHHC:068107



127.

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

CRM-M-15215-2025

Date of decision: 20.05.2025

Vinod Kumar and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.C. Shahpuri, Advocate, for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 528 of BNSS, 2023, is for quashing of FIR No.217, dated 27.03.2021, under Sections 120-B, 406, 419, 420, 467, 468, 471 of IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all consequential proceedings arising therefrom, as well as order dated 17.12.2024 (Annexure P-3), vide which, charges were framed against the petitioners.

2. Learned counsel appearing for the petitioners has contended that the FIR (Annexure P-1) is nothing but an abuse of the process of law and has been instituted with a mala fide intent to harass the petitioners in what is essentially a civil dispute. The core contention is that the allegations in the FIR are vague, unsubstantiated and speculative, lacking any credible or tangible evidence to support a charge of forgery or conspiracy.

3. It has been further argued by the learned counsel that the allegations in the FIR centre around a Will dated 25.04.2019 purportedly executed by late Jai Kant Jindal in favour of petitioner No.1 (Vinod Kumar), who is stated to have been a servant of the deceased. Petitioners No.2 and 3 are only attesting witnesses to the said Will and are not its beneficiaries.

4. It has been asserted that the Will in question is already a subject matter of challenge in civil suits instituted before the competent civil court, and as such, the initiation of criminal proceedings amounts to giving a criminal colour to a civil dispute.

5. Learned counsel has placed reliance on the decision of the Hon'ble Supreme Court in ***Rikhab Birani and another Versus State of Uttar Pradesh and another, arising out of SLP (Crl.) No.8592 of 2024, decided on 16.04.2025***, asserting that criminal proceedings ought not to be entertained where the allegations primarily disclose a civil wrong. It has been still further submitted that the FSL report (Annexure P-8) does not conclusively opine that the signatures of the testator were forged and, therefore, no prima facie case is made out against the petitioners.

6. I have heard learned counsel and perused the material placed on record.

7. Before proceeding further, it would be relevant to refer to the allegations in the FIR which was lodged at the instance of the sister of Jai Kant Jindal (hereinafter referred to as deceased) wherein she alleged that the deceased was issueless and she along with her other brother

(residing in Canada) were the only legal heirs. In addition, the following allegations were also levelled in the FIR:-

- (i) The petitioners in connivance with each other and others, have forged a Will dated 25.04.2019, purportedly executed by the deceased just 02 days before his death.
- (ii) Incorrect particulars have been mentioned in the forged Will, including the age and name of the father of the deceased – recorded as 60 years and “Balwant Ram Jindal” instead of 68 years and “Balwant Rai Jindal”.
- (iii) Petitioner-Vinod Kumar, who claims to be a servant of the deceased, is alleged to have never served him, and the family had no relation with him.
- (iv) The attesting witnesses, petitioners No.2 and 3 i.e. Ankur Kumar and Akal Chand, were allegedly strangers to the deceased. It is also alleged that Akal Chand falsely recorded his village as Bahlolpur instead of Jhroli and has a criminal background.
- (v) An application was filed by petitioner-Vinod Kumar before the Municipal Committee, Yamuna Nagar, to transfer the house of the deceased in his name, supported by an affidavit, a forged Will, and a forged death certificate. The said death certificate is alleged to have been obtained through impersonation by a woman falsely claiming to be the wife of the deceased.

(vi) It is also alleged that an Advocate, Raman Singh Chauhan, who had no connection with the deceased, affixed his stamp on the Will at the behest of the co-accused persons, and notably, the document does not contain a serial number, raising further suspicion.

8. It is well settled that the power under Section 528 of BNSS/482 of Cr.P.C. is to be exercised sparingly, and only in cases where the allegations in the FIR do not disclose any cognizable offence or where the proceedings are manifestly attended with mala fides or intended to harass the accused.

9. In *State of Haryana Versus Bhajan Lal, AIR 1992 Supreme Court 604*, the Hon'ble Supreme Court laid down illustrative grounds where quashing may be permissible. However, the Hon'ble Apex Court also cautioned against interfering in the normal course of criminal investigation and prosecution merely because the case may also involve civil disputes.

10. This Court is of the view that the present case does not fall within the parameters justifying quashing of the FIR at the threshold. The FIR in question clearly alleges specific criminal acts against the petitioners:

(a) Forgery:

The FIR alleges the preparation of a forged Will, containing demonstrably incorrect particulars within (wrong age and father's name of the deceased).

(b) Fabrication of public documents:

The petitioners are alleged to have submitted a fabricated death certificate and false affidavit supported by impersonation, for the purpose of illegally securing property.

(c) Conspiracy:

The FIR details the role of each accused, including the creation and use of forged documents and of orchestrating impersonation.

11. The contention that the genuineness of the Will is a civil issue pending before a civil court, does not, *per se*, render the FIR invalid. It is a well settled principle that civil and criminal proceedings may co-exist, provided the allegations *prima facie* disclose a criminal offence. The Hon'ble Supreme Court has also time and again held that mere pendency of civil litigation does not bar criminal proceedings if the FIR discloses a distinct criminal offence.

12. The fact that charges have already been framed in the instant case and the matter is now at the stage of prosecution evidence further weighs against interference at this stage. This Court is not required to assess whether the prosecution will ultimately succeed or fail; the test is whether the FIR discloses the commission of any offence, which, on the face of it, it does.

13. The argument that the FSL report does not conclusively establish forgery is a matter of trial and cannot be a basis to quash the

proceedings at this stage. It is not for this Court to appreciate the probative value of such evidence at the stage of considering a quashing petition under Section 528 of the BNSS.

14. As regards reliance on *Rikhab Birani's case (supra)*, the facts in that case were entirely distinct, involving a lack of specific allegations and a purely civil transaction, therefore, the same would not apply to the present case. In the present case, the allegations prima facie involve a carefully orchestrated plan to fabricate a Will, forge public documents and impersonate a non-existent spouse of the deceased, which prima facie attracts criminal liability under various penal provisions.

15. In light of the above discussion, this Court does not find any merit in the present petition so as to exercise its inherent jurisdiction under Section 528 of BNSS.

16. Accordingly, the present petition is dismissed.

17. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2025
sanjeev

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