
(2010) 06 UK CK 0116
In the Uttarakhand High Court

Brij Pal Singh, Dilip Kumar and Inderjeet Sharma	APPELLANT
Vs	
State of Uttarakhand and Another	RESPONDENT

Date of Decision : 17-06-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161
Penal Code, 1860 (IPC) — Section 120B, 306, 309, 420, 463

Citation : (2010) 06 UK CK 0116

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dharam Veer, J.—Heard Mr. Pankaj Miglani, learned Counsel for the petitioners as well as Mr. Amit Bhatt, learned Additional Government Advocate for the State.

2. By means of this writ petition, the petitioners have sought writ in the nature of certiorari quashing the First Information Report, which is registered at Police Station ROP Khadkhadi Sub District Kotwali Nagar, District Hardwar, as Case Crime No. 468 of 2009 relating to offences punishable under Sections 420, 463, 464, 468, 470, 471, 474, 466 and 467 of IPC.

3. Brief facts of the case are that Dandi Swami Parvanand lodged a report at Police Station Reporting Outpost Khadkhadi on 12.9.2009 stating therein that one Swami Shradhanand Teerth was the Chairman of Trust as well as the Controller of Kalpdham Ashram. On 15.1.1982, Swami Shradhanand Teerth formed two trusts, one Shideshwar Mahadev Trust and another Shradhnand Teerth Trust. Swami Shradhanand Teerth Trust had appointed co-accused Manohar Lal Sharma as Sewak who used to receive monthly salary. It is alleged that from some time, Manohar Lal had started working against the motives of said Trust and also causing harm to the property of the Trust. He and his family members were made understand by the Trust many times but to no avail. In this regard, a Suit No. 84 of 2009 was also filed by complainant on behalf of the Trust for eviction and permanent injunction against Manohar Lal Sharma, which is still

pending. It is further alleged that Manohar Lal in connivance with his wife Sumti, son Inderjeet (petitioner No. 3), son-in-law Dilip Kumar (petitioner No. 2) and one Brij Pal (petitioner No. 1), with intention to grab the property of Kalpdham Ashram, got prepared a forged will of Swami Shradhanand Teerth dated 18.4.1982 and thereby claimed himself as Managing Trustee and his family members as trustees of the said Trust. By way of forged will dated 18.4.1982, Manohar Lal also prepared a forged trust in the name of Shidheshwar Mahadev Mandir Trust. It is alleged that forged will dated 18.4.1982 prepared by Manohar Lal is not recorded in any government department. It is also alleged that a Suit No. 124/2009 was also filed by Manohar Lal on the basis of forged will dated 18.4.1982 and the same forged will is in possession of Manohar Lal. It is further alleged that Manohar Lal along with his family members have prepared fabricated documents and with the help of same, they want to grab the property of Kalpdham Ashram. With the same averments, the First Information Report was lodged by Respondent No. 2 Dandi Swami Pranavanand Teerth on 12.9.2009 at P.S. Reporting Outpost Khadkhadi, Sub District Kotwali Nagar, District Haridwar.

4. Counter affidavit has been filed by the State along with which the statements of complainant Dandi Swami Parvanand, Chairman of Swami Shradhanand Teerth Trust, Ishwari Dutt Mehta and Anil Kumar, Member Trustee of Swami Shradhanand Teerth Trust, recorded u/s 161 Cr.P.C. are annexed, who have supported the contents of the First Information Report in their statements.

5. Learned Counsel for the petitioners submitted that dispute between the parties is purely civil in nature. He further submitted petitioner No. 1 is friend, petitioner No. 2 is son-in-law and petitioner No. 3 is son of co-accused Manohar Lal and they are not at all beneficiaries of the will in question and they have been falsely implicated in a frivolous case. Contrary to this, learned Additional Government Advocate argued that from the statements of the witnesses filed along with the counter affidavit, involvement of the present petitioners in commission of aforesaid crime has been fully proved. He further argued that on 12.11.2009 a First Information has also been registered by Sub Inspector Pankaj Pokhariyal of Police Station Kotwali Haridwar under Sections 309, 306, 120B of IPC against Sumati Devi w/o co-accused Manohar Lal, Indrajeet Sharma (Petitioner No. 3), Dalip (Petitioner No. 2) and one Manoj Gautam when the wife of Manohar Lal in collusion with his son Inderjeet (petitioner No. 3) and Dalip (petitioner No. 2) set herself on fire. It is further argued that according to forensic science laboratory, the signature upon the alleged will dated 18.4.1982 has been found forged and in this regard co-accused Manohar Lal Sharma and his wife were arrested on 24.5.2010.

6. Perusal of the contents of the First Information Report, statements of Dandi Swami Parvanand, Chairman of Swami Shradhanand Teerth Trust, Ishwari Dutt Mehta and Anil Kumar, Member Trustee of Swami Shradhanand Teerth Trust filed along with the counter affidavit and other papers available on record and the facts and circumstances of the case prima facie indicates the involvement of the

present petitioners in the commission of alleged crime. There are specific allegations against the petitioners in the First Information Report.

7. Keeping in view all these facts and circumstances and upon hearing learned Counsel for the parties, this Court is of the view that the petitioners are not entitled to get any relief at this stage.

8. The writ petition, being devoid of merit, is dismissed accordingly. (Stay Application No. 4092 of 2010 is also dismissed).