



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14873-2022 (O&M)
Reserved On: 21.11.2025
Date of Decision: 18.12.2025
Uploaded On: 19.12.2025

Jhabar and othersPetitioner(s)

VERSUS

State of Haryana and anotherRespondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Akash Vashisth, Advocate for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Vikas Yadav, Advocate and
Mr. J.P. Sharma, Advocate, for respondent No. 2.

Mr. Aniket Aggarwal, Advocate, for respondent No. 3.

VINOD S. BHARDWAJ, J.

1. The instant Petition under Section 482 CrPC has been filed for seeking quashing of FIR No. 63 dated 15.03.2022 registered under Section 120B, 420, 467, 468, 471 IPC at P.S. Nangal Chaudhary, District Mahendergarh alongwith all consequential proceedings arising therefrom.

2. The FIR in the present case was registered on an application given by the complainant Jagdish, son of Sultan Singh, resident of village Nangal Dargu, Tehsil Nangal Chaudhary, District Mahendergarh, who stated that he is a co-sharer in the estate of Ganpat son of Gobinda (since deceased). The deceased Ganpat Ram was survived by three daughters namely Mishrali, Manohari Devi and Gyarsi and two sons, Mehru and Jhabar. Mishrali was married to Moola Ram of village Kutharia. Manohari Devi was first married to Chitter of village Mehmadpur, Rajasthan, and after his demise, contracted a second marriage with Chandgi Ram, with whom she has two sons and presently resides in Ward No. 4, Bansoor, District Alwar. Gyarsi Devi was married to the real brother of Chitter. The applicant maintains that Manohari Devi is alive, a fact supported by a certificate dated 31.01.2022 issued by the Municipal Council, Bansoor. According to the complainant, the accused persons, acting in collusion and with a common intention, fraudulently procured mutation No. 2222 dated 11.12.2012 by falsely declaring Manohari Devi as deceased, with the dishonest intention of securing wrongful gain for themselves and causing corresponding loss to other co-sharers. It is alleged that Mehru, Jhabar, Mishrali and Gyarsi had succession entered in their favour on the basis of such misrepresentation. It is also alleged that accused No. 11, Mahender Singh, the then Patwari, knowingly facilitated and sanctioned the fraudulent mutation, affixing his signature to mutation No. 2222 with the intent to support the illegal acts of the other accused and to prejudice the rights of lawful co-sharers. The complainant stated that since Manohari Devi is alive and has children of her own, no mutation on the basis of her alleged death

could legally have been entered. He further alleges that Mishrali Devi executed a Will in favour of the sons of Jhabar and Mehru, although they were entitled only to a 1/10th share each, later revised to 1/8th, and that the beneficiaries have thereby taken possession of land far exceeding their lawful entitlement through fraudulent means. Thus, the complainant submitted that despite knowing that Manohari Devi was alive, the accused persons conspired to secure mutation No. 2222 dated 11.12.2012 and, in doing so, committed offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code. On these allegations, the applicant sought registration of an FIR against all accused persons and prayed for strict legal action to be initiated against them.

3. Counsel appearing for the petitioner contends that both the respondent No. 3-Manohari Devi and all the accused persons (petitioners herein) trace their lineage to a common ancestor. As per the jamabandi, out of a total holding of 78 kanals and 5 marlas, the petitioners or their immediate predecessors-in-interest were owners of half share, i.e., 39 kanals and 2.5 marlas. It is submitted that a proper appreciation of the pedigree table and the succession line undisputedly establishes that the complainant-respondent No.2, Jagdish, has no concern whatsoever with the share of his uncle (tau) Ganpat, which devolved exclusively upon Ganpat's five children, in relation to which the present FIR has been lodged. He further contends that the complainant lacks locus standi to initiate the impugned criminal proceedings, as the dispute, if any, pertains solely to the legal heirs of Ganpat. The petitioner further submits that the proceedings are wholly misconceived and

devoid of substance unless Manohari, daughter of Ganpat, who is alleged to have been falsely shown as deceased, herself raises any grievance before the competent authorities and, at best, the matter constitutes a familial dispute among brothers and sisters and does not warrant the initiation of criminal prosecution at the instance of a third party without any legal standing.

4. Learned counsel for the petitioner submits that the FIR names four accused persons, out of whom Mishrali had passed away in 2018 and Mohru @ Mehar Singh had also expired in the year 2020. Consequently, the share of Manohari, which is stated to have devolved upon these two deceased siblings, now stands legally succeeded by their respective children. It is argued that mutation No. 2222 dated 11.12.2000 (incorrectly recorded in the FIR as 11.12.2012) bears no nexus whatsoever to any alleged culpability on the part of petitioners No. 3 to 10 or Madan Lal, as the mutation took place during the lifetime of the original heirs and long before the present petitioners inherited the property. Similarly, counsel submits that since Mishrali expired in 2018, the share holding that devolved upon her under mutation No. 2222 dated 11.12.2000 (again wrongly stated in the FIR as 11.12.2012) has, after her death, lawfully passed to petitioners No. 3 to 10. Therefore, no criminal liability can be attributed to them in respect of a mutation effected nearly two decades earlier, long before they came into possession of the property by inheritance. It is thus contended that the FIR is fundamentally misconceived against the petitioners.

5. The petitioner vehemently contends that the impugned FIR is a retaliatory measure and has been lodged as a counterblast to civil proceedings

initiated earlier by the petitioners. It is submitted that a residential property situated in village Nangal Dargu was originally owned by Sheoiji, son of Gobinda, and upon his death, the property devolved equally upon Sultan (now deceased) and Ganpat (now deceased), each holding a 50% share. Petitioners No. 1, 3, 4 and 5 subsequently instituted a civil suit for permanent injunction, seeking to restrain the complainant Jagdish and his brothers (defendants therein) from raising any illegal or forcible construction over the joint residential property. He submits that the civil court granted an interim injunction in favour of the petitioners, and the suit continues to remain pending adjudication. He further submits that the civil suit was filed on 27.04.2021, whereas Complaint No. 310-PG dated 08.02.2022 and the consequential registration of the impugned FIR dated 15.03.2022 are events subsequent in time which clearly demonstrates that the filing of the complaint and the registration of the FIR are motivated acts to pressurise the petitioners and to gain leverage in the pending civil dispute.

6. The petitioner submits that even as per the complainant Jagdish's own narration in the FIR, the land in question pertains to Manohari, daughter of Ganpat and the complainant also acknowledges that Manohari is alive and is the mother of two children, who would be the lawful successors entitled to inherit her share in the property. In such circumstances, the petitioner contends registration of the instant FIR is an abuse of process of law as it has been registered at the behest of the complainant Jagdish, who neither possesses any right nor holds any legally recognizable interest in the share of Manohari. It is asserted that Jagdish's involvement is unwarranted and his

attempt to initiate criminal proceedings amounts to an unwarranted interference in matters pertaining exclusively to the rightful heirs of Manohari.

7. The counsel for respondent No.2-complainant/Jagdish contends that the accused persons, acting in concert and with a premeditated common intention, orchestrated a fraudulent scheme to execute mutation No. 2222 dated 11.12.2012. He contends that the accused deliberately and falsely projected Manohari Devi as deceased, despite being fully aware of her continued existence, with the objective of usurping rights in the property to which they were not legally entitled. By fabricating the death of a living co-sharer, the accused Mehru, Jhabar, Mishrali, and Gyarsi succeeded in having succession entries unlawfully recorded in their favour, thereby depriving the rightful heirs of their legitimate share.

8. He further contends that accused No. 11, Mahender Singh, the then Patwari, played a pivotal role in facilitating the alleged fraud. It is contended that the Patwari acting in conscious dereliction of his statutory duties knowingly endorsed and entered the impugned mutation and thereby lent official legitimacy to the unlawful acts of the other accused. He submits that given that Manohari Devi is alive and is the mother of two children who would be her natural heirs, no mutation on the basis of her supposed death could lawfully be effected. He further submits that Mishrali Devi is alleged to have executed a Will in favour of the sons of Jhabar and Mehru, notwithstanding the fact that they were originally entitled to only a 1/10th share each which got later revised to 1/8th. The complainant argues through

deceit and manipulation the beneficiaries have succeeded in appropriating land far in excess of what they lawfully inherited, thereby perpetrating a fraud upon the revenue authorities and the rightful co-sharers.

9. Counsel appearing for the state contends that during the course of investigation, accused Mahender Singh, the then Patwari was arrested on 08.07.2022 and during his interrogation, he made a disclosure statement admitting his role in the commission of the alleged offences. He made a disclosure statement to the effect that on 05.12.2000, while he was posted as Patwari of village Bayal, Mehar Singh, son of Ganpat, along with Onad Singh, Namberdar, approached him and orally informed him that Manohari, daughter of Ganpat, had expired and requested that the mutation of her share be recorded accordingly. On the basis of their oral statements, Mahender Singh recorded the statements of Mehar Singh and Onad Singh, Namberdar and proceeded to enter mutation No. 2222 dated 05.12.2000 in the revenue record. Counsel contends that he has admitted that he undertook no independent enquiry or verification to ascertain the correctness of the alleged death of Manohari Devi and that he neither received any written application nor any death certificate and recorded the mutation solely on the basis of the oral assertions of Mehar Singh, which were purportedly endorsed by the village Namberdar. Learned State counsel therefore submits that the disclosure and the material collected during investigation clearly demonstrate the illegality committed by the accused persons.

10. Counsel appearing for respondent No. 3, Manohari Devi, submits that she is the sole victim in the present matter and that the dispute has already

been amicably resolved between her and the petitioners. It is argued that although the FIR was lodged at the instance of Jagdish, son of Sultan (respondent No. 2), he is not an aggrieved person and cannot be treated as a victim of the alleged acts.

11. Counsel contends that once the actual victim i.e. Manohari Devi has expressly stated that she has no grievance against the accused petitioners, the continuation of the FIR serves no purpose and amounts to an abuse of the process of law. It is further submitted that respondent No. 3 has executed two affidavits dated 19.04.2023 and 15.11.2025, unequivocally declaring that she has no grouse against the petitioners, that the mutation entries recorded in the revenue record are correct and that she does not desire that any action be taken against the petitioners, who are her real brothers. True translated copies of the said affidavits have been placed on record as Annexures R-3/1 and R-3/2. Counsel, thus submits that in light of the express stand of the true victim, the FIR and all consequential proceedings deserve to be brought to an end.

12. I have heard the counsel appearing for the parties and have gone through the judgments appended with the present petition.

13. A perusal of the pedigree table appended to the present petition leaves no manner of doubt that the property in dispute originates from the estate of one Sheoji, who had two sons, Ganpat and Sultan. The record unequivocally demonstrates that all the accused persons, as well as respondent No. 3, Manohari, are direct descendants of Ganpat, whereas the complainant traces his lineage to Sultan. It is also an undisputed fact that Sheoji held 78 kanals and 5 marlas of land, which, upon his demise, devolved equally upon

his two sons, thereby conferring 39 kanals and 2.5 marlas each upon their respective branches. The land forming the subject matter of the present FIR thus pertains exclusively to the share inherited by Ganpat and concerns only the rights, entitlements, and internal arrangements of his descendants. In this context, it becomes evident that the complainant, being a descendant of Sultan, has no legal right, title, or locus standi to raise any grievance with respect to the property devolving upon Ganpat and his heirs. The initiation of criminal proceedings at his instance is therefore fundamentally misconceived and constitutes an unwarranted intrusion into matters that lie solely within the domain of Ganpat's legal successors. Furthermore, a civil suit pertaining to the very same property is presently pending adjudication between the concerned parties. In view of this, it would be neither proper nor judicious for this Court, while exercising jurisdiction under Section 482 Cr.P.C., to enter upon or express any opinion on the merits of the civil dispute, which is within the province of the civil court seized of the matter.

14. Adverting now to the allegation that the accused persons falsely represented Manohari to be deceased with the intent to appropriate her share in the ancestral property, this Court finds it significant that the mutations in question were effected as far back as the year 2000 nearly twenty-five years prior to the initiation of the present proceedings. More importantly, respondent No. 3, Manohari herself, the very individual whose alleged demise constitutes the fulcrum of the present complaint, has unequivocally declared through affidavits placed on record that she does not seek to assail the said mutations nor does she harbour any objection to the division of the land

amongst her brothers. Her categorical and voluntary statement, made without any allegation of coercion or undue influence, makes it abundantly clear that she does not perceive herself to be aggrieved and does not desire the intervention of criminal law in familial matters pertaining to inheritance.

15. In these circumstances, the continuation of criminal proceedings on the basis of an alleged grievance that the supposed victim expressly disowns would not only serve no useful purpose but would also amount to perpetuating litigation contrary to the wishes of the true stakeholder. The criminal process should not be permitted to be invoked where the person directly concerned has chosen not to contest the succession or the manner in which the property has been apportioned.

16. The objection of respondent No.2-complainant/Jagdish, in such circumstances would be inconsequential. The offence is more against property and not offences against society. Once, the interested parties, who have stake/share in the property have already settled the matter, the informant, who is not a victim, would not claim a right to continue persecution when the actual victim has chosen to settle the same. The objection of respondent No.2-Jagdish thus deserves to be rejected.

17. The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) were summarized by the Hon'ble Supreme Court in the matter of '***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another***' ***(2017) 9 SCC 641***'. The relevant paragraphs are extracted as under:

"16.1. Section 482 preserves the inherent powers of the High

Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

- 16.2. *The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*
- 16.3. *In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.*
- 16.4. *While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.*
- 16.5. *The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.*
- 16.6. *In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the*

High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

- 16.7. *As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.*
- 16.8. *Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.*
- 16.9. *In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and*
- 16.10. *There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the*

offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

18. The Hon'ble Supreme Court has held in the matter of 'Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

19. The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023:

- i. The mutations in question were effected nearly twenty-five years ago, substantially diminishing the relevance and immediacy of the alleged offence.
- ii. The only person who could have been treated as an aggrieved party i.e. respondent No. 3, Manohari has unequivocally stated that she has no objection to the distribution of the land and does not wish to pursue any legal remedy and has submitted her affidavit in this regard and the same has been re-iterated by counsel.

- iii. The dispute pertains to intra-family succession within the branch of Ganpat, and thus carries the character of a civil inheritance matter rather than a criminal wrong.
- iv. Petitioner No. 1 is 70 years old and petitioner No. 2 is 67 years old, indicating that the continuation of criminal proceedings would impose undue hardship on them.
- v. Petitioners Nos. 3, 4 and 5 are between 45 and 50 years of age, petitioner No. 6 is around 80 years old, and petitioners Nos. 7 and 8 fall within the age bracket of 40 to 45, such that prolonged criminal prosecution would adversely affect individuals well beyond the age at which such burdens should be imposed.
- vi. Petitioners Nos. 9 and 10 are between 33 and 38 years old, and the continuation of proceedings against the entire family, despite the absence of any grievance from the true stakeholder, would serve no legitimate purpose and amount to an abuse of the process of law.
- vii. The resolution of dispute amicably is the ultimate object of law. Quashing of the proceedings would restore peace and harmony in the family and society.
- viii. The continuation of proceedings is likely to be a waste of judicial time and not serving any larger interest of justice.
- ix. A Court of law doesn't stand in the way of the ultimate will of the effected parties, in such matters and it prefers

amicable resolution over adjudication. An amicable resolution permanently and finally settles the lis.

20. Thus, in view of the aforesaid mitigating circumstances and bearing in mind the principles laid down by the Apex Court in '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the instant petition is allowed. FIR No. 63 dated 15.03.2022 registered under Sections 120B, 420, 467, 468 and 471 of IPC, 1860 at Police Station Nangal Chaudhary, District Mahendergarh along with all consequential proceedings arising therefrom is hereby quashed.

21. Petition is allowed in the above terms.

18.12.2025

Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No