



**CRM-M-16532-2023 (O&M) &  
CRM-M-43931-2023 (O&M)**

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

**244**

**CRM-M-16532-2023 (O&M)**

Nand Ram Sharma and others ... Petitioner(s)

Versus

State of Haryana and another .. Respondent(s)

**CRM-M-43931-2023 (O&M)**

Kaushaliya Devi and another ... Petitioner(s)

Versus

State of Haryana .. Respondent(s)

**Date of decision : 18.07.2025**

**CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Ajay Ghanghas, Advocate for the petitioner(s)  
in CRM-M-16532-2023.

Mr. Kamal K. Chaudhary, Advocate for the petitioner(s)  
in CRM-M-43931-2023.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

Mr. Manoj Kumar Sood, Advocate for the complainant.

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**H.S. Grewal, J.(Oral)**

**CRM-38507-2023 in CRM-M-16532-2023**

1. For the reasons mentioned in the application, the same is allowed and the copy of the final report under Section 173 Cr.P.C. (challan) and the sale



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deeds dated 22.09.2009, 30.03.2010 and 02.04.2010 are taken on record as Annexures P-5 to P-8 respectively, subject to all just exceptions.

**CRM-49222-2023 in CRM-M-43931-2023**

1. For the reasons mentioned in the application, the same is allowed and the copy of the Jamabandi for the year 2007-2008 as Annexure P-5 is taken on record subject to all just exceptions.

**Main cases**

1. This order shall dispose of two writ petitions bearing CRM-M-16532-2023 and CRM-M-43931-2023 as both are arising out of the identical FIR. For brevity, the facts are taken from CRM-M-16532-2023.

2. These petitions have been filed under Section 482 Cr.P.C. seeking quashing of FIR No.588 dated 02.06.2018, registered under Sections 420, 467, 468, 471, 506 & 120-B IPC, at Police Station Central, Faridabad (Annexure P-1) along with all subsequent proceedings arising therefrom.

3. The case of the prosecution is that the complainant Devender Awana had lodged a complaint against eight persons, namely, (1) Partap Singh s/o Gian Chand, (2) Kamlesh Devi w/o Partap Singh, (3) Shimla Devi w/o Selakaram, residents of village Ferozepur Kalan, Tehsil-Bhallabgarh, Faridabad, Haryana, (4) Prempal s/o Hari Chand, (5) Kaushalyadevi w/o Prempal s/o Sh. Hari Chand, residents of H.No.20A, Taimor Nagar, New Delhi-110065, (6) Mahendra Kaur w/o Late Onkar Singh resident of H.No.67, Kailash Apartment, New Delhi-110048, (7) Nandram Sharma s/o Sh. Sohan Lal and (8) Bharat Bhushan s/o Sh. Nandram Sharma residents of village Ankheer, Tehsil & Distt.-Faridabad, Haryana, by stating that they had executed



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false sale deeds of 17 acres of land in Khewat Nos.34 & 35, village Mauja Basantpur while preparing a fake General Power of Attorney while as per the revenue record, both the Khewats covers 13.25 acres of land and there are many share-holders in the said land. It is also alleged that the accused persons after being conspired together got executed the sale deeds on 18.08.2009 & 22.09.2009 & 03.03.2010 & 02.04.2010. All of these persons wanted to sell this land to the land mafia and threatened the complainant to vacate this land and disowned them from their property. The complainant is stated to be a co-sharer in the ancestral land and is in possession of such land and is also cultivating the same. All of accused persons had destroyed his crop and through land mafia, they illegally took possession of the land and when he talked to them with regard thereto, they threatened to kill the complainant and said that it is a matter of a big amount i.e. 8,50,00,000/- and they will kill him if he would come in their way.

4. Learned counsel for the petitioners, however, submits that the facts of the case are that one Sujan Singh s/o Sardar Amar Singh had purchased the land measuring 29 bigha 17 biswa bearing khewat No.27(8-5), Kehwat 28(12-18), 11/270<sup>th</sup> share, Kehwat 32(605-10), 49/3240<sup>th</sup> share situated within the revenue estate of village Basantpur, tehsil Balbgarh, District Faridabad. Onkar Singh s/o Sujan Singh had purchased Hakub Patta pertaining to land Khewat No.23/31, Khasra No. 145(3-9), Khewat No.28/47 to 51, Khasra No.153(11-0), 154(35-1) 166(75-15), 162(19-1), 163(1-13), 164(57-9), 165(90-0), 166(13-16), 167(45-5), 168(100-0), 169(49-13), 170(4-13), 171(79-2), 173(5-11), Khewat No.29/52 Khasra No.143(0-8), 144(0-5), 141(0-10), 137(0-14), total



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land measuring 607 Bigha 177 Biswa 6/72 share i.e. 50 Bigha & 13 Biswa situated within the revenue estate, of village Basantput, Tehsil Ballabgarh, Distt. Faridabad vide document no.2656 dated 08.06.1982. The mutations were duly sanctioned in favour of Sujan Singh and Onkar Singh in respect of the land in question. Sujan Singh expired on 09.03.2001 and mutation of inheritance was sanctioned in favour of Onkar Singh, Gursharan Kaur and Tripat Kaur for land 5 Biswa 1 Biswansi out of 148-6 Kitta i.e. share 11/307 of land and 10 Biswa and 10 Biswansi out of 16 Kitta (12-18 Sailab) share 210/51-60 vide mutation No.215. A copy of mutation No.215 is appended as Annexure P-2. After the death of Onkar Singh, his legal heirs namely, Mohinder Kaur (widow), Harsimrat (son) and Sunisha (daughter) became owner of his land. Similarly, after the death of Gursharan Kaur, her share was inherited by her son, namely, Jaspal Singh Anand and her daughter Kiran Singh. However, the nature of the suit land mentioned in the revenue record is Sailab i.e. not in the use of agriculture. Mohinder Kaur, Harasimrat and Sunisha executed GPA and SPA in favour of Bharat Bhushan s/o Nand Ram Sharma in respect of the entire land, who had full knowledge of the case and he used to take care of the land in dispute.

5. Learned counsel for the petitioner also submits that the complainant Davender Awana filed a civil suit before the learned Civil Judge (Senior Division), Faridabad seeking suit for declaration with consequential relief of permanent injunction on the basis of a lease deed dated 29.06.2015. The complainant is actually not in physical possession over the suit land and he has procured the lease deed with the connivance of one-Ranjit S/o Balak Ram



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who had taken the alleged land on lease vide document dated 16.04.1982/15.04.1981 and is claiming himself as GPA of Sushma Sehgal vide document No.77 dated 25.08.2014. The alleged GPA and lease deed were not executed as per the provisions of law. Moreover, the complainant and his brother had also procured GPA and lease deed bearing No.1714 dated 30.04.2010. After filing of the present civil suit, the complainant, in order to pressurize the petitioners, got the present FIR registered against them while the dispute is entirely civil in nature which has been given the colour of criminal consequences to put pressure upon the petitioners. He, therefore, prays for quashing of the present FIR as it would be an abuse of process of law.

6. On the other hand, learned State counsel, while referring to the reply filed by way of an affidavit of Assistant Commissioner of Police, Central Faridabad, submits that the land was allegedly sold from the aforesaid khewats to certain persons in 2009-10. Mohinder Kaur and her family members had land in the said khewats and some part of the land was transferred to the State of Uttar Pradesh in the year 1983 and inspite of having knowledge of this fact, Mohinder Kaur, Gursharan Kaur and Tirpat Kaur had executed a General Power of Attorney in favour of Prem Pal and Partap, which was got registered in Bokaro (Jharkhand) and on the basis of said GPA, Prem Pal and Partap had executed sale deeds in favour of their family members. As per the report of the Halka Patwari, Pattaname of about 09 acres had been transferred to the State of Uttar Pradesh vide notification No.3065-76/SK dated 11.02.1983 which was reflected in the revenue records in all the jamabandies after 1982 and Mohinder Kaur, Gursharan Anand and Tirpat Gurbachan Singh Sahayni, being the legal



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heirs of Sujan Singh and despite having knowledge of the above fact, got registered fake GPA Nos.1082 dated 16.06.2008 and 1178 dated 16.06.2008 from Bokaro, Jharkhand in favour of Prempal son of Harichand, and Pratap Singh son of Gyanchand. During investigation, when both the GPAs were verified from Bokaro, Jharkhand, the same were found to be fake and in said fake GPAs, Nandram Sharma is the witness. It has also been pointed out that on the basis of fake General Power of Attorney No.1178 dated 16.06.2008, Pratap Singh executed Sale Deed No.10221 dated 22.09.2009 in favour of his wife Kamlesh Devi and his sister-in-law (Bhabhi) namely Shimla Devi wife of Selakram. On the basis of another fake GPA No. 1082 dated 16.06.2008, Prem Pal executed Sale Deed No. 7818 dated 18.08.2009 in favour of Kaushalya Devi. Moreover, Mohinder Kaur and her daughter Sunisha Anand having knowledge of the above facts, further executed a sale deed No. 74 dated 02.04.2010 and sold 20 Bigha 01 Biswa Kham (Kachcha) to Kaushalya Devi wife of Prempal and a Pattanama of the said land was given by both of them to Kaushalya Devi wife of Prempal vide Will No. 75 dated 02.04.2010. Thereafter, Prempal's wife Kaushalya Devi and Pratap Singh's wife Kamlesh Devi and sister-in-law Shimla Devi gave fake GPA on the basis of Sale Deed Nos.7818 dated 18.08.2009 and 10221 dated 22.09.2009 by combining the area mentioned in Sale Deed Nos. 74 and 75 dated 02.04.2010, the total land became 18 acres and said 18 acres of land was further sold to Kiranpal, Mangat Ram, Rajpal and Jaiprakash for a sale consideration of Rs. 30 lakhs vide sale agreement dated 17.01.2018. During the investigation, it has also been revealed that all the accused persons have threatened the complainant to take over his



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land on the basis of fake documents as the complainant Devendra Awana is a shareholder in his ancestral property comprising in Khewat Nos. 34 and 35 situated with the revenue estate of Village Basantpur, District Faridabad as per the report (Annexure R-2). Learned State counsel also submits that Nand Ram Sharma was working as a property dealer and he had made deal for the sale of the above land with Mohinder Kaur and Prempal. Moreover, Nand Ram Sharma is a witness to the fake GPA as well as on sale deed Nos.74 and 75 dated 02.04.2010. He, therefore, submits that the offence is non-compoundable in nature and the petitioners along with other co-accused, by hatching a criminal conspiracy, got prepared fake General Power of Attorneys through forgery, fraud and are liable to be prosecuted. He, upon instructions, also submits that the challan has been presented but charges are yet to be framed.

7. Learned counsel for the complainant submits that the petitioners have *malafidely* and deliberately prepared forged General Power of Attorneys (GPAs) in order to execute fraudulent transactions relating to the ancestral land. It is also contended that despite having complete knowledge of the extent and nature of their legal share, the petitioners, in active collusion with others, executed sale deeds in excess to their actual entitlement. Learned counsel also submits that although the khewat numbers mentioned in the civil and criminal proceedings appear to be different but the land in question is the same. According to the complainant, the khewat numbers have undergone changes due to administrative updates or changes in the revenue records over time, but



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the physical parcel of land and the complainant's ancestral share in it remains unchanged.

8. I have heard learned counsel for the parties and have carefully gone through the material available on record.

9. A perusal of the case file clearly reveals that the complainant, Devendra Awana, is a shareholder in his ancestral property comprising Khewat Nos. 34 and 35 situated within the revenue estate of Village Basantpur, District Faridabad. It is alleged that he has been threatened by the accused persons, with the help of land mafia, to vacate the said land. Although the dispute primarily pertains to land and appears civil in nature, a civil suit has already been filed and is pending adjudication before the competent Civil Court, however, the presence of criminal elements cannot be ignored, as it is alleged that the accused persons knowingly prepared and executed forged General Power of Attorneys (GPAs) despite being aware that the land in question had been transferred to the State of Uttar Pradesh due to the shifting course of the Yamuna River and, therefore, did not fall within the jurisdiction of the State of Haryana. Multiple sale deeds were allegedly executed in collusion with others, involving a significant monetary transaction, thereby giving rise to allegations of fraud and conspiracy. Although the civil suit pertains to different khewat numbers, but the complainant states that the khewat numbers have been updated over time but the land remains the same. The petitioners are alleged to have sold land not only in excess of their legitimate share but also of that portion which was no longer in existence or within their ownership.



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10. In view of the aforementioned facts and circumstances of the case and keeping in view the facts that there are several disputed questions of facts which need to be decided by the appropriate Court and the challan under Section 173 Cr.P.C. has already been presented against the petitioners, therefore, this Court is not inclined to entertain these petitions seeking quashing of the FIR and the same are, hereby, dismissed.

11. However, the parties would be at liberty to raise all the pleas before the trial Court at any appropriate stage or framing of charges. It is also made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case during the trial.

12. Pending application(s), if any, shall also stand disposed of.

**18.07.2025**  
A.Kaundal

**(H.S.GREWAL)**  
**JUDGE**

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