

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53251-2025

Date of decision: 22.09.2025

PARVEEN KUMAR AND ANOTHER

...Petitioners

VERSUS

STATE OF U.T CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

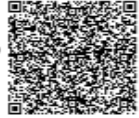
Present: Mr. H.S.Chaddha, Advocate for the petitioners.

Mr. Shubham Mangla, APP, U.T., Chandigarh.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition under Section 528 of BNSS, 2023 seeking issuance of directions to respondents No.1 to 3 to reconsider the complaint dated 13.02.2025 (Annexure P-1) filed by the petitioner in terms of standard operating procedure issued by the Ministry of Home Affairs and for setting aside the final report dated 12.03.2025 (Annexure P-5) as well as forwarding letter dated 13.03.2025 and to conduct a fair and impartial inquiry in the complaint and to take coercive steps against the accused.

2. The grievance of the petitioner is that proper inquiry has not been conducted by the police on the complaint dated 13.02.2025 (Annexure P-1) moved by him against accused namely Surinder Kumar, Luxmi and Pooja Rani, in which, he has specifically alleged that the Will dated 12.05.2010 allegedly executed by Prem Chand, was forged and fabricated. The police after conducting an inquiry submitted a report stating that both the parties were called in the police station, wherein complainant refused to give statement, but has only given a written application. It was further



reported that the testator had died on 05.01.2010. The signatures could not be verified due to the passage of time and no objections had been raised for a long period and the dispute was civil in nature.

3. However, the approach of the police in treating the dispute as civil in nature was not correct as petitioner has specifically alleged that the Will in question was forged. The Ministry of Home Affairs has issued standard operating procedure regarding conducting of preliminary inquiries (Annexure P-7), which provides that preliminary inquiry shall be conducted within 14 days to ascertain, if there is a prima facie case or not and to document all findings and evidence gathered during the inquiry. However, in the present case, no effort has been made to get the disputed signatures on the Will compared with the specimen signatures of testator to find out whether the signatures are forged or not and proper inquiry thus has not been conducted.

4. Accordingly, the preliminary inquiry (Annexure P-7) is not sustainable and is set aside and respondent No.2 is directed to conduct fresh inquiry and while conducting the fresh inquiry, all the available evidence shall be collected and disputed signatures on the Will shall be got compared with the specimen signatures of the testator, if any, before submitting the report and complainant will be duly informed in this regard. Resultantly, the present petition stands disposed of.

22.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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