

CRM-M-27135-2023
SURESH BANSAL AND OTHERS
VS
STATE OF HARYANA AND ANOTHER

Present: Mr. Puneet Bali, Senior Advocate with
Mr. Nitin Kaushal and Mr. Sachin Jain, Advocates
for the petitioners.

Learned senior counsel submits that the present FIR is a gross abuse of the process of law. Reference has been made to the revision petition filed by the respondent No.2 (Annexure P-7) challenging the mutation order dated 14.01.1994 in which it was averred that respondent No.2 and Smt. Neelam were joint owners of land situated at Village Mimarpur, District Sonapat and this land had been sold jointly by both of them on 15.09.1993. A stand was taken by respondent No.2 that in view of this sale, it was clear that she had not relinquished any of her rights in any of the immovable properties. Learned senior counsel has submitted that now, in the complaint submitted to the police on the basis of which the FIR (Annexure P-1) has been registered, respondent No.2 has alleged that sale deed dated 15.09.1993 was prepared fraudulently by means of impersonation. Learned senior counsel submits that without conducting a preliminary inquiry and in contravention of the settled proposition of law, the present FIR has been registered. Learned senior counsel places reliance upon the judgments of the Hon'ble Supreme Court of India in the case of *Lalita Kumari Vs. Govt. of Uttar Pradesh and others (2014) 2 SCC 1*; *State of Haryana and others Vs. Bhajan Lal and others 1992 Supp (1) SCC 335*; *Satish Mehra Vs. State (NCT of Delhi) and Anr. (2012) 13 SCC 614* and *T.T. Antony Vs. State of Kerala (2001) 6 SCC 181* as well as judgment of Delhi High Court in the case of *Dr. Karunakar Patra Vs. State (2022) 1 HCC (Del) 314*.

Notice of motion.

Mr. Surender Singh, Asst. A.G., Haryana accepts notice on behalf of the respondent-State.

Learned counsel representing the State of Haryana submits that initially a cancellation report was prepared on 23.01.2023 but under the orders of Commissioner of Police, Sonapat, the matter is being further investigated.

Notice to respondent No.2 for **10.07.2023**.

Dasti as well.

Keeping in view the peculiar facts of the present case, this Court deems it appropriate to restrain the respondents from proceeding against the petitioners till the next date of hearing. Investigation may, however, go on.

(VIKRAM AGGARWAL)
JUDGE

26.05.2023
Hemant