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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-9129-2024(O&M)
Reserved on:25.04.2025
Pronounced on: 01.05.2025

Chandu Lal

....Petitioner

Versus

Smt. Maya Devi deceased through LR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Petitioner-Mr. Chandu Lal in person.Mr. Arnav Sood, *Amicus Curiae* (Advocate).**HARPREET SINGH BRAR, J. (ORAL)**

1. The present writ petition has been moved seeking directions for an inquiry by the CBI into the matter pertaining to forging and fabrication of the will of Maya Devi by the respondents-her legal representatives.

2. The petitioner, who had appeared in person, submits that the legal representatives of the deceased-Maya Devi have fabricated her will by affixing her forged thumb impressions. He further submits that the same has been done under the aegis of Mr. Man Mohan Krishan Dang, Advocate, who has also assisted in tampering with the records in the learned Civil Court. Based on the forged will, two civil suits have also been filed- for possession (titled *Smt. Maya Devi vs. Chandu Lal and another*) and for permanent injunction, against the petitioner. In the suit for possession, vide order dated 29.07.2015 (Annexure P-38 at Page 236) passed by the learned ACJ (SD), Gurgaon, the petitioner was proceeded against *ex parte*, as he failed to deposit the costs imposed on him. He



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moved an application seeking setting aside of the said *ex parte* order, which was dismissed vide order dated 13.08.2015 (Annexure P-40 at Page 244) by the learned ACJ (SD), Gurgaon. The petitioner had also approached this Court seeking an opportunity to lead evidence to defend his case. Vide order dated 22.05.2024, the same was unjustly dismissed. Thus, he has sought initiation of appropriate legal action under Section 340 Cr.P.C. as well as an investigation into the same by the CBI.

3. Learned *Amicus Curiae* for the respondents submits that the present petition is not maintainable as the petitioner has not availed the alternate remedies available to him. Further, that in spite of being given multiple opportunities, the petitioner had failed to deposit costs imposed on him and the learned ACJ (SD), Gurgaon has acted well within his powers by deciding to proceed against the petitioner *ex parte*. Further still, this Court, in order dated 22.05.2024 passed in CR-205-2018, has duly noted that the petitioner is engaging in dilatory tactics. Moreover, the petitioner has made scandalous remarks against advocates, the Presiding Officer of the learned Civil Court as well as three sitting Judges of this Court. Such a conduct must not be condoned as it undermines the majesty of law and the dignity of the justice dispensation mechanism.

4. Having heard the petitioner and the learned *Amicus Curiae*, and after perusing the record of the case, this Court does not find any merit in the arguments put forth by the petitioner.

5. Even though the jurisdictional Magistrate is well equipped to deal with such type of matters, the petitioner has not able to provide a satisfactory



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response regarding approaching this Court directly instead of the concerned jurisdictional Court by filing an appropriate application under Section 156(3) Cr.P.C. A two Judge Bench of the Hon'ble Supreme Court in ***Sakiri Vasu Vs. State of U.P. and others, (2008) 2 SCC 409*** has held that the Magistrate has been bestowed with all necessary powers to ensure proper investigation under Section 156(3) Cr.P.C. Discouraging the practice of approaching the High Court for redressal of grievances like non-registration of FIR or improper investigation, Justice Markandey Katju made the following observations:

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere.”

This ratio was reiterated in the judgments rendered by the Hon'ble Supreme Court in ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhangre and others, (2016) 6 SCC 277, M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728, Dilawar Singh vs. State of Delhi 2007(4) R.C.R(Criminal) 115.***



6. Further, the petitioner, appearing in person, has made intemperate remarks and used contemptuous language against the learned ACJ (SD), Gurgaon as well as three Judges of this Court. He has also made grave allegations qua tampering with the Court records at the instance of an Advocate, without anything to show for it. Not only has the petitioner failed to indicate how he has been victimized in the matter at hand, he has also made scandalous remarks concerning the integrity of the justice dispensation mechanism. A perusal of the record clearly indicates that there is no justifiable cause on the basis of which scandalous and contemptuous allegations are leveled by the petitioner. The Hon'ble Supreme Court in ***M.Y. Shareef and another Vs. The Hon'ble Judges of the High Court of Nagpur 1955 SCR (1) 757***, speaking through Justice M.C. Mahajan, has opined as follows:

*“11. The fact however remains, as found by the High Court, that there was at the time these events happened considerable misconception amongst a section of the Nagpur Bar about advocates' responsibilities in matters of signing transfer applications containing allegations of this character. It cannot be denied that a section of the Bar is under an erroneous impression that when a counsel is acting in the interests of his client, or in accordance with his instructions he is discharging his legitimate duty to his client even when he signs an application or a pleading which contains matter scandalising the Court. They think that when there is conflict between their obligations to the Court and their duty to the client, the latter prevails. **This misconception has to be rooted out by a clear and emphatic pronouncement, and we think it should be widely made known that counsel who sign applications or pleadings containing matter scandalising the Court without of reasonably satisfying themselves about the prima facie existence of adequate grounds therefor, with a view to prevent or delay the course of justice, are themselves guilty of contempt of Court, and that it is no duty of counsel to his client to take any interest in such applications; on the other hand, his duty is to advise his client for refraining from making allegations of this nature in such applications.** Once the fact is recognised as was done by the High Court here, that the member of the Bar have not fully realised the implications of their signing such applications and are firmly under the belief that their conduct in doing so is in accordance with professional ethics, it has to be held that the act*



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self of the two appellants in this case was do under a mistaken view of their rights and duties, and in such cases even a qualified apology may well be considered by a Court.”

7. However, in view of the lack of legal knowledge on part of the petitioner, this Court is of the considered opinion that contempt proceedings need not be initiated against him. Be that as it may, the petitioner is cautioned with respect to his conduct and in no uncertain terms, he is forewarned that the same would not be tolerated in the future.
8. Accordingly, the present petition is dismissed.
9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

01.05.2025
Neha

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