

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1429-2014 (O&M)

Ravi Shankar and others
... Petitioners
Versus

State of Haryana and another
.. Respondents

CRM-M-2905-2014 (O&M)

Jitender Singh Sheokand
... Petitioner
Versus

State of Haryana and others
.. Respondent

Reserved on : 13.05.2026
Date of Pronouncement : 29.05.2026
Uploaded on : 29.05.2026
Pronounced in Full

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

Present:- Mr. P.S. Hundal, Senior Advocate with
Mr. Amit Jain, Advocate and
Mr. G.S. Hundal, Advocate
for the petitioners in CRM-M-1429-2014 and
for respondents No. 4 to 9 in CRM-M-2905-2014.

Mr. Anirudh Kaushal, Advocate (*Amicus Curiae*)
for the petitioner in CRM-M-2905-2014 and
for the complainant in CRM-M-1429-2014.

Mr. Vijay Kumar, AAG, Haryana.

H.S. Grewal, J.

1. This order shall dispose of CRM-M-1429-2014 and CRM-M-2905-2014 as these are arising out of same FIR. For the sake of brevity, the facts are being taken from CRM-M-1429-2014.

2. CRM-M-1429-2014 has been filed under Section 482 Cr. P.C. for quashing of the order dated 14.07.2011 (Annexure P-1) passed by the learned Additional Sessions Judge, Jind; FIR No. 223 dated 23.07.2013, under Sections 406, 409, 120, 467, 468, 471, 120-B IPC at Police Station Uchana, District Jind (Annexure P-3) which has been registered against the petitioners in pursuance to the order dated 14.07.2011 (Annexure P-1) along with all consequential proceedings arising therefrom.

3. CRM-M-2905-2014 has been filed under Section 482 Cr.P.C. seeking indulgence of this Court to direct respondents No.2 and 3 to take appropriate action in accordance with law in the aforesaid FIR against the respondent Nos. 4 to 11 for embezzling and misappropriating the money and property of the Dera Samadh and arrest the respondent/accused persons and present the challan against them in the competent court of law.

4. The case of the prosecution is that the complainant-Ramdiya (since deceased) lodged a complaint against the functionaries of Dera Samadh (Acharya Mahamandleshwar Swami Ganeshanand Maharaj Dharmarth Trust, Uchana), which was stated to be in possession of a big chunk of land and was running several charitable institutions. It was alleged that the Dera Samadh was being managed by its Mohatmim, Swami Ganeshanand. Upon his demise on 25.01.2008, he had already appointed his disciple Krishnanand Giri as his successor, who thereafter assumed charge of the institution. It is alleged that petitioner No.1-Ravi Shankar, who was serving as an assistant to Swami Ganeshanand and was entrusted with maintaining the accounts as well as the income and expenditure of the Dera, misused the confidence. It is further alleged that by taking undue advantage of the old age of Swami Ganeshanand,

he forged his signatures, prepared a trust deed and got the same registered fraudulently, even signing the document himself as a witness despite no trustee having allegedly appeared before the registering authority. It is further alleged that petitioner No.1 got executed two sale deeds in favour of his wife in respect of the Dera land and also facilitated withdrawal of funds from various accounts of the institution.

5. It is further stated that despite the complaint being filed, no action was initially taken by the police, as the petitioners were alleged to be influential persons. Consequently, the complainant approached the Court of learned Sub Divisional Judicial Magistrate, Narwana by moving an application under Section 156(3) Cr.P.C. seeking a direction for registration of an FIR. The said application was initially declined vide order dated 01.10.2013, with a direction to the complainant to lead preliminary evidence.

6. Aggrieved thereby, the complainant preferred a revision petition before the learned Additional Sessions Judge, Jind, which was allowed vide order dated 14.07.2011, directing the complaint to be forwarded to the concerned SHO for investigation and, in the event any fraud was detected, to register a case and submit a report before the Illaqa Magistrate period. Consequently, the present FIR came to be registered against the petitioners.

7. Feeling aggrieved thereby, CRM-M-1429-2014 has been filed by the petitioners seeking quashing of the order dated 14.07.2011 (Annexure P-1) passed by the learned Additional Sessions Judge, Jind and the impugned FIR No. 223 dated 23.07.2013 (Annexure P-3).

8. Learned Senior counsel for the petitioners submitted that the impugned order passed by the learned Additional Sessions Judge deserves to be

set aside because the order passed by the learned SDJM declining the request under Section 156(3) Cr.P.C. was merely an interlocutory order and no revision petition was maintainable against the same in view of the bar contained under Section 397(2) Cr.P.C. It is further submitted that once the learned Magistrate had declined to direct registration of an FIR and had chosen to proceed with the complaint by calling upon the complainant to lead preliminary evidence, the Revisional Court could not subsequently revert to the stage of Section 156(3) Cr.P.C. through revisional jurisdiction.

9. Learned Senior counsel further submitted that the allegations in the FIR are false and baseless as the land which is the subject matter of the disputed sale deeds was the personal property of late Swami Ganeshanand and not the property of the Dera or Trust. It is further submitted that the sale deeds were validly executed by the deceased himself and no act of forgery or manipulation can be attributed to the petitioners.

10. It is also submitted that except for vague allegations against petitioner No.1, there are no specific allegations against the remaining petitioners. No concrete material has been placed on record to show any embezzlement or unauthorized withdrawal from the accounts of the Trust. It is, therefore, prayed for quashing of the impugned order as well as the FIR because the continuation of criminal proceedings would amount to abuse of the process of law. In support of the submissions, learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in ***State of Haryana and others versus Bhajan Lal and others***, 1992 Supp (1) SCC 335.

11. *Per contra*, learned State counsel, while referring to the reply filed by way of affidavit of Mr. Suresh Kumar, DSP, Detective, Jind, submitted that

as per the allegations, the petitioners, by taking undue advantage of the old age and position of the then Head of the Trust, allegedly forged signatures, prepared fabricated trust-related documents, executed sale deeds and also withdrew funds from different accounts. It is further submitted that the matter is still under investigation and crucial aspects of the case are yet to be examined. The questioned documents were also sent for forensic examination, and though certain signatures were examined but detailed investigation is necessary for arriving at a proper conclusion regarding the involvement of the petitioners. It is, therefore, prayed for dismissal of the present petition.

12. Learned *Amicus Curiae* in CRM-M-2905-2014 submitted that serious allegations of forgery, breach of trust and misappropriation of property belonging to a charitable institution have been levelled against the accused persons. It is submitted that the complaint shows specific allegations that petitioner No.1, while enjoying a position of trust in the affairs of the Dera, forged documents, manipulated the trust structure, facilitated illegal transfer of property, and misappropriated funds from different bank accounts.

13. Learned *Amicus Curiae* further submitted that the revisional Court properly acted within the jurisdiction while allowing the revision and directing investigation, as the order passed under Section 156(3) Cr.P.C. by the learned SDJM cannot be treated as a purely interlocutory order. It is submitted that the allegations involve disputed questions of fact requiring proper investigation, including forensic examination of signatures and scrutiny of financial records. It is further submitted that investigation in the matter has already commenced and material has been collected, including forensic examination of disputed signatures. Therefore, interference by this Court at this stage would seriously

prejudice the investigation. In support of his submissions, he relied upon the judgment of the Hon'ble Supreme Court in **Amar Nath vs. State of Haryana (1977) 4 SCC 137** and the judgment of the Delhi High Court in **Shri Shiv Kumar vs. State (Govt. of NCT of Delhi) & Ors.** bearing W.P.(CRL) 2112/2025, decided on 22.09.2025.

14. I have considered the arguments raised by the learned counsel for the parties and have carefully gone through the material on record.

15. The primary challenge raised by the petitioners is to the legality of the order passed by the learned Additional Sessions Judge whereby the complaint was directed to be sent for investigation which resulted in registration of the FIR in question.

16. At the outset, the argument raised by the petitioners that once the learned Sub Divisional Judicial Magistrate had declined the request under Section 156(3) Cr.P.C. and directed the complainant to lead preliminary evidence, such order was merely interlocutory in nature, cannot be accepted. An order passed on an application under Section 156(3) Cr.P.C. is not a simple procedural order having no effect on the rights of the parties. Such an order carries legal consequences and, therefore, cannot be treated as a purely interlocutory order so as to attract the bar contained under Section 397(2) Cr.P.C., which reads as under:-

“The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.”

17. In view of the above, the revisional Court was competent to examine the legality of the order passed by the learned Magistrate. Reference

may be made to the judgment of Hon'ble Supreme Court in **Amar Nath vs. State of Haryana (supra)** wherein following observations have been made:-

“The term ‘interlocutory order’ in Section 397(2) of the 1973 Code has been used in a restricted sense and not in any broad or artistic sense. It merely denotes orders of a purely interim or temporary nature which do not decide or touch the important rights or the liabilities of the parties. Any order which substantially affects the rights of the accused, or decides certain rights of the parties, cannot be said to be an interlocutory order so as to bar a revision to the High Court against that order.”

18. In this regard, reliance can also be placed upon the judgment of the Delhi High Court in **Shri Shiv Kumar vs. State (Govt. of NCT of Delhi) & Ors.** (supra) and the judgment of the Bombay High Court in the case of **Avinash Trimbakrao Dhondage vs. State of Maharashtra, 2015 SCC OnLine Bom 5197.**

19. Admittedly, the complaint in question contains specific allegations against petitioner No.1, who was allegedly associated with the affairs of the Dera and was handling its financial matters. He is alleged to have taken advantage of the advanced age of late Swami Ganeshanand, manipulated trust documents, got execution of questionable sale deeds in favour of his wife, and misappropriated funds from various bank accounts connected with the institution, which cannot be said to be vague or bald allegations.

20. Furthermore, the plea raised by the petitioners is that the property in question was not the property of the Dera or Trust but the personal property of late Swami Ganeshanand, and that the sale deeds were validly executed by

him. However, all these facts are disputed question of fact and require proper investigation by the police. Therefore, the present case does not fall in any of the categories laid down by the Hon'ble Supreme Court in *State of Haryana vs. Bhajan Lal* (supra) for quashing of criminal proceedings.

21. In the light of the above, this Court does not find any illegality or perversity in the order passed by the learned Additional Sessions Judge warranting interference in exercise of inherent jurisdiction. Consequently, the petition i.e. CRM-M-1429-2014 is hereby dismissed.

22. Insofar as CRM-M-2905-2014 is concerned, the same is allowed and the investigating agency is directed to complete the investigation expeditiously and proceed further in accordance with law.

23. Pending applications, if any, shall stand disposed of accordingly.

29.05.2026
A.Kaundal

(H.S.GREWAL)
JUDGE

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