

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 317 OF 2015
WITH
CRIMINAL APPLICATION NO. 5389 OF 2015
IN CRIMINAL APPLN/317/2015

ALKESH OMPRAKASH DEVIDAN AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Anil S. Bajaj
APP for Respondent No. 1 : Mr. A. G. Magare
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 26th NOVEMBER, 2015

P.C. :-

1. Initially, notice was issued to respondent No. 2. The same was served. However, respondent No. 2 did not appear. Subsequently, notice of final disposal was issued to respondent No. 2 by this Court on 24.8.2015. The said notice is also served upon respondent No. 2, still respondent No. 2 has not appeared.

2. Mr. Bajaj, learned counsel for the applicants submits that complaint has been filed by respondent No. 2 only because the wife of applicant No. 1 was on cross terms. According to the learned counsel, names of the applicants have been mutated in the relevant record on the basis of sale deed executed by Gulabbai Bagdiya. The

grievance of respondent No. 2 is that the applicants had forged the death certificate of Gulababai Bagdiya and had used the certificate in the land records for transferring the property in their names. The learned counsel submits that even respondent No. 2 had filed Civil Suit bearing RCS No. 189 of 2012 seeking declaration with regard to the said death certificate. The pursis is filed by respondent No. 2 for withdrawing the said suit unconditionally. Even Revision filed before this Court by the applicants was withdrawn as the suit itself is withdrawn and the matter is settled between the parties.

3. The learned counsel submits that there is no dispute with regard to death certificate of Gulabbai Bagdiya. Even in the proceedings before the Chief Officer Municipal Council, respondent No. 2 has admitted that he does not have any right, title or interest in the house No. 20-259 and 20-260. According to the learned counsel, the said properties are situated in CTS No. 1935. According to the learned counsel, the complaint deserves to be quashed.

4. We have heard the learned APP also.

5. The grievance made by respondent No. 2 in the complaint is with regard to forgery of death certificate in the name of Gulabbai Bagdiya. It appears that respondent No. 2 had filed a suit for

declaration bearing RCS No. 189 of 2012 with regard to the said death certificate. It further appears that the matter is settled. The respondent No. 2 had withdrawn the said Civil Suit unconditionally by filing pursis. Even in the proceedings before the Chief Officer, Municipal Council, Hingoli, respondent No. 2 has accepted that he does not have any right, title of interest in the property bearing House No. 20-259 and 20-260 and pursuant thereto, the order is passed by the Chief Officer.

6. It appears that the dispute between the parties has come to an end. The complaint is filed earlier in point of time i.e. on 21.06.2013 before withdrawal of the suit.

7. Considering the fact that respondent No. 2 himself does not have grievance now in respect of the death certificate with regard to which the instant complaint is filed, it would be appropriate to quash the complaint.

8. In light of the above, the F.I.R. registered in connection with crime No. 63 of 2013 with Hingoli Police Station, Hingoli, for the offences punishable under Sections 467, 468, 470, 471, 420 r.w. 34 of I.P.C. as against the present applicants is quashed and set aside.

9. The Criminal Application is disposed of. No costs.

10. In view of disposal of Criminal Application, Criminal Application No. 5389 of 2015 also stands disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/