

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 570 OF 2015

1. Anil s/o. Govinda Zatke,
Age 40 years, Occu. Agri.,
R/o. Nashirabad, Tq. & Dist.
Jalgaon.
2. Gopal s/o. Ganpat Sirole,
Age 40 years, Occu. Agri.,
R/o. Sirsath Sakri, Tq. Yawal,
Dist. Jalgaon.

....Applicants.

Versus

The State of Maharashtra
Through P.I. in charge of
Zilha Peth, Police Station,
Jalgaon.

....Respondent.

Mr. V.M. Jaware, Advocate for applicants.

Mr. K.M. Suryawanshi, APP for State.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 1st April, 2015.

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. In the proceeding filed under section 482 of Criminal Procedure Code, relief is claimed by the applicants for quashing of the crime registered against them bearing No. 158/2014 from Zilla Peth Police Station, Jalgaon and the investigation in to the

said crime. The crime is registered for the offences punishable under sections 420, 468, 471 of Indian Penal Code.

3. It appears that on the basis of direction given by Tahsildar, Jalgaon, report was given to police and the crime came to be registered. One Govind is owner of land Gat No. 2138 from Nashirabad, Tahsil Jalgaon. He sold his land to one Nitin Ramdas Patil under agreement to sale dated 19.3.2010. In view of the provisions of Tenancy and Agricultural Lands Act, it was necessary for the purchaser to show that he was agriculturist for purchasing this land. At the time of making of the transaction, Nitin produced 7/12 extract in respect of land Gat No. 784 situated at village Bhatkhande, Tahsil Pachora to show that he is agriculturist and he owns land. This document was not registered and on that basis application was moved for making mutation entry in the revenue record. In a proceeding which was filed before Tahsildar, he set aside the order of change and directed to take action against Nitin and others as false 7/12 extract was produced. There is allegation that applicant No. 1 - Anil had signed on this document as witness and both the applicants had knowledge that Nitin was not agriculturist, but they prepared the document in favour of Nitin.

4. In the F.I.R., the name of Nitin was mentioned as he has allegedly created the false record. But during investigation police filed remand report before the Magistrate and has shown the present applicants as suspects as they were involved in the transaction. In view of these circumstances, the applicants have rushed to this Court.

5. The submissions made show that it was necessary for Nitin to show that he was agriculturist and accordingly, he made the declaration. He is from other village and the applicants are not from the village of Nitin. It will be necessary for the prosecution to prove that they were involved in the creation of false record or they knew that false record was created by Nitin. Govind could have sold the land to anybody. It can be said that the applicants could have been used as witnesses against Nitin. Even in the absence of the witnesses like the present applicants against Nitin, the case can be made out against Nitin. This Court holds that nothing can be achieved by making investigation against the present applicants and by prosecuting them for aforesaid offences.

6. In the result, the application is allowed. The crime bearing C.R. No. 158/2014 registered against the applicants in

Zilla Peth Police Station, Jalgaon for the offences punishable under sections 420, 468, 471 of Indian Penal Code and the investigation against them is hereby quashed and set aside.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

SSC/