

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 797 OF 2015

JANARDHAN CHUDAMAN INGALE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Advocate for Petitioner : Mr. A.G Talhar
APP for Respondents: Mr. A S Shinde

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: November 30, 2015

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PER COURT :-

1. The present writ petition is filed for quashing the complaint Crime bearing No.158/2014 dated 22.12.2014, registered with Zilla Peth Police Station, Jalgaon for the offences punishable under sections 420, 468, 471 of the Indian Penal Code.

2. Mr. Talhar, the learned counsel for the petitioner submits that, the petitioner was not named as an accused in First Information Report, however, subsequently, the petitioner is added as an accused on the ground that he has identified the person executing the deed. According to the learned counsel, no offence is made out against the present petitioner. The learned counsel submits that, even if, the complaint as it is read, no offence is made out.

3. Mr. Shinde, the learned APP submits that, on the basis of the directions of the Tahsildar, the Talathi had filed the complaint as person getting the sale deed executed in his name was not an agriculturist. The present petitioner also signed the sale deed and, has identified the person executing the sale deed, as such, he is also rightly added as an accused person.

4. We have considered the complaint and the submissions.

5. The complaint is filed by the Talathi on the basis that the 7/12 extract filed before it of gat no.784 is forged one and that said forged sale deed is used by one Nitin Ramdas Patil and he is liable for criminal prosecution and the same is filed pursuant to the order passed in appeal in a tenancy case.

6. The role of the present petitioner is only to the extent that he has identified the person executing the deed. The allegations in the complaint are not to the effect that, the persons executing the deed are not the same persons. Only because the present petitioner has identified the executant of the deed, that would not *ipso facto* bring the present petitioner within the ambit of the offences punishable under

sections 420, 468, 471 of the Indian Penal Code.

7. This Court in Criminal Application 570/2015 vide order dated 1.4.2015 had quashed the complaint lodged as against the witnesses to the deed.

8. The present petitioner is also on the same pedestal. No role is attributed to the present petitioner in the complaint as far as forgery is concerned.

9. Considering the above, Crime bearing No.158/2014 dated 22.12.2014, registered with Zilla Peth Police Station, Jalgaon for the offences punishable under sections 420, 468, 471 of the Indian Penal Code to the extent of the present petitioner is quashed and set aside.

10. Writ Petition is disposed of.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-