

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

Criminal Application No. 6981 of 2014

1. Atulsingh s/o. Bhikansingh Pardeshi,
Age : 40 years,
Occupation : Business,
R/o. Jagruti Chowk, Bhadgaon,
Taluka : Bhadgaon,
District : Jalgaon.
2. Shahid Anjum s/o. Abdul Khalil,
Age : 35 years,
Occupation : Business.
3. Manohar s/o. Keshav Shimpi,
Age : 38 years,
Occupation : Business,
R/o. Bhadgaon,
Taluka : Bhadgaon,
District : Jalgaon.
4. Vijay s/o. Bansilal Jain,
Age : 52 years,
Occupation : Business,
R/o. Shendurni,
Taluka : Jamner,
District : Jalgaon.

.. Applicants.

versus

1. The State of Maharashtra.
2. Shaikh Yakub s/o. Shaikh Amir,
Age : 49 years,
Occupation : Business,
R/o. Amalner,
Taluka : Amalner,
District : Jalgaon.

.. Respondents
(No.2 - Original
complainant)

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Mr. Ravindra S. Shinde, Advocate, for the applicants.

*Mrs. M.B. Gangwal (Patni), Additional Public Prosecutor,
for respondent no.2.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 5TH JANUARY 2015

PER COURT :

1. Heard Adv. Mr. R.S. Shinde for the applicants, and learned APP Mrs. M.B. Gangwal (Patni) for respondent no.1 - State.
2. The learned Counsel for the applicants submits that the allegations in the FIR, even if taken at its face value, no offence is disclosed. The dispute is of civil nature and if the complainant is aggrieved, he can approach the Civil Court. He further submits that the alleged transaction of sale is of the year 2009, however, the complaint is belatedly lodged in the year 2014. Therefore, the learned Counsel for the applicants submits that the Application be allowed.
3. We have heard the learned Counsel for the applicants and perused the contents of the FIR. There are allegations, that the applicants created forged documents and on that basis, the land in question was sold to one Manohar Keshav Shimpi. The allegations in the FIR, at this stage,

will have to be taken as it is. The offence is disclosed which needs investigation.

4. No case is made out, at this stage, for quashing the FIR. The Application is accordingly rejected.

5. At this stage, the learned Counsel for the applicants seeks liberty to take appropriate remedy, in case, the Investigating Officer decides to file charge sheet.

6. We make it clear, that we have no expressed our opinion about taking appropriate remedy, in case, the Investigating Officer decides to file the charge sheet.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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