

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

CRIMINAL WRIT PETITION NO. 1560 OF 2015

Supadu S/o Sarichand Rathod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ravindra B. Ade, Advocate h/f Mrs. Chaitali Kutti
(Choudhari), Advocate for the Petitioner.
Shri S. P. Deshmukh, A.P.P. for Respondent Nos. 1 to 3.

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

DATE : 14TH DECEMBER, 2015.

PER COURT :

. Vide the present writ petition, the petitioner seeks directions against the respondent No. 1 to register F.I.R. against the accused persons against whom the complaint is made by the petitioner.

2. We have heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor.

3. The learned counsel for the petitioner states that, the land of the mother of the petitioner is illegally alienated by the accused persons. The complaint to that effect is filed with the police station, however, no cognizance is taken. The learned

counsel submits that, the name of the mother of the petitioner was mutated in the relevant revenue record.

4. The matter appears to be regarding dispute about the ownership of a particular land. The exchange deed is of the year 2005. The learned counsel for the petitioner states that, he has no instructions as to when the mother of the petitioner has died. The mother of the petitioner during her lifetime has not taken any objection to the exchange deed. Thereafter the sale deed is said to have been executed in the year 2012.

5. Going by the contents of the complaint, it appears that, it would be a case of civil dispute, wherein the parties will have to prove their ownership of a particular land. Unless and until ownership of a particular land is proved, the police authorities would not be in a position to dilate on the ownership of a particular land.

6. In the light of the above, the directions as sought for cannot be given. Needless to state, our observations are limited to the extent of present criminal writ petition and in no way would be construed as giving any finding about the rights of the parties. The criminal writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]