

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Writ Petition No. 38 of 2014
[Akil Ahemad Abdul Hafiz Vs. State of Mah. & two others]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.J. Mirza, Adv., for the Petitioner.
Mr. T.A. Mirza, APP for respondent nos. 1 to 3.

**CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.**

DATE : 05th March, 2015.

Heard learned counsel for the rival parties.

Learned APP Mr. Mirza for the State has
invited our attention to Paragraph 2 of his reply. We
quote para 2 from his reply, which reads thus:-

“2. It is submitted that the case of the petitioner is that he has paid Rs.50,000/- as earnest money and the transaction was of Rs. 3,00,000/- and it was settled between the parties that remaining 2 and ½ lakhs rupees will be paid on 30.11.2012. In this regard it is submitted that after making elaborate enquiry this respondent has collected the copy of plaint of Special Civil Suit bearing No. 29.2014 pending before Civil Judge Senior Division, Achalpur. This Civil Suit is instituted by the petitioner against Dilip Ardak, Asha Thakare and Sheela Thakare. Upon perusing the copy of plaint, it was

noticed that petitioner has stated in the plaint that the transaction/sale of the disputed property was of Rs.19,17,300/- [nineteen lakh seventeen thousand three hundred] and he had paid Rs. 5,00,000/- to defendant. However, the report lodged before this respondent discloses that the petitioner paid Rs.50,000/- to Dilip Ardak. The report further discloses that the sale transaction of Rs. 3,00,000/- Therefore, the petitioner has made false statement in the report if the statement of petitioner made in the plaint is true.”

We are satisfied that the nature of dispute is purely of a civil nature and if at all the petitioner is still aggrieved, he has a remedy to institute a private complaint case under the provisions of Criminal Procedure Code.

We, therefore, dismiss this Writ Petition, reserving liberty in favour of petitioner to take such steps as are available in law.

Judge

Judge

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