

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APL] No.297 of 2015

(Shekhar Madhavrao Parate

vs.

State of Maharashtra, through P.S.O. Kamptee, District Nagpur and another)

=====

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

=====

Court's or Judge's Orders

*Mr. N.V. Fulzele, Advocate for the Applicant.
Mr. D.B. Patel, A.P.P. for Non-Applicant No.1.*

**CORAM : A.P. BHANGALE AND
P.N. DESHMUKH, JJ.**

DATE : JULY 20, 2015.

By this application under Section 482 of the Code of Criminal Procedure, the applicant has prayed for to quash and set aside the F.I.R. against the applicant, which was registered as Crime No.13/2015 under Sections 419, 467, 468, 471 read with Section 34 of the Indian Penal Code, on the ground that the F.I.R. is abuse of the process of law and it is required to be set aside and quashed.

Learned Counsel Mr. Fulzele for the applicant submitted that non-applicant no.2 is not yet served. While the learned A.P.P. objected the application on the ground that offences are serious and cognizable by police, and the F.I.R. needs to be taken to its logical end.

We have perused the F.I.R. On perusal of the F.I.R., it appears that accusation against the applicant is very serious. It also appears that the first informant alleged that accused/applicant had evicted his uncle on the ground that he cannot cultivate the land. There are allegations that one Ankush Ramaji Kadu in connivance with Sheikh Firoz Aamin and Rajesh

Shyamrao Amne had, in place of the complainant sent some bogus persons to appear along with their photographs, prepared one bogus Voter Identity Card and got executed the sale-deed in his own name, and with the help of such sale-deed, the land was sought to be sold in favour of the present applicant. Thus, accusation is very serious, which needs to be investigated thoroughly. The evidence in such cases is mostly in documentary form and since it is alleged that bogus sale-deed was executed with the help of bogus persons, an opportunity to investigate must be availed of by the investigating agency into such serious accusation. Merely, because the suit filed for specific performance of contract was decreed and the sale-deed was executed in pursuant to that decree, investigating agency must get full opportunity to its logical end, when serious accusation is made against the applicant.

The learned A.P.P., therefore, rightly objected the application. Inherent powers cannot be exercised in such a case to quash and set aside the entire prosecution. Of course, the applicant is at liberty, if within three months, no charge-sheet is filed, to move another application before this Court.

Hence, the application is rejected and disposed of accordingly.

JUDGE

JUDGE

*sdw