

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

CRIMINAL APPLICATION NO.1919 OF 2008

1. Chandanmal s/o Dagdulal Pagariya
Age 75 years, Occ. Business,
R/o Kasari Bazar, Aurangabad
At present residing at Pagariya Colony,
Railway Station, Aurangabad
2. Dharamchand s/o Harlal Dagda (Jain),
Age 69 years, Occ. Bond Writer,
R/o Nawabpura, Aurangabad
3. Kantilal s/o Chunilal Suryawanshi,
Age 70 years, Occ. Business,
R/o Kelibazar, Aurangabad ... **APPLICANTS**

VERSUS

1. The State of Maharashtra
Through : City Police Chowk,
Aurangabad
(Copy to be served on P.P.
of the High Court of Bombay,
Bench at Aurangabad)
2. Nandkishor s/o Laxminarayan Kagliwal
Age about 62 years, Occ. Business,
R/o Near Mahanubhav Ashram,
Paithan Gate, Aurangabad ... **RESPONDENTS**

.....
Shri T. Vinod, Advocate for applicant
Shri R.B. Bagul, A.P.P. for respondent No.1/ State
Shri P.K. Lakhotiya, Advocate for respondent No.2
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**CORAM: A.V. NIRGUDE AND
A.I.S. CHEEMA, JJ.**

DATED: 8th July, 2016.

ORAL JUDGMENT (Per : A.V. Nirgude, J.):

1. The applicants are accused in Crime No.1/2008. Respondent No.1 - complainant alleged that, the applicants forged document and filed it in Civil Court. There was proceeding pending between the parties and in such proceedings, the disputed document was filed. The respondent No.2 alleged that, before filing the document in the Court, the applicants forged it. The Civil Court, however, did not deal with such allegations and dismissed respondent No.2's suit.

2. Learned Civil Judge, while appreciating the case between the parties, did not observe that there was forgery in the document. On the other hand, before the learned Civil Judge could deliver his judgment, the present complaint was filed. The application was admitted in order to examine as to whether the complaint is barred for want of the Civil Court's action. Assuming that there was no bar in making his complaint, we are of the view that this complaint deserves to be quashed on the basis of

the judgment of the Supreme Court in the case of **State of Haryana Vs. Bhajan Lal & ors. (1992 Supp. (1) SCC 335.**

The case squarely falls in Category No.7.

3. Criminal Application, therefore, is allowed in terms of prayer clause (B).

(A.I.S. CHEEMA, J.)

(A.V. NIRGUDE, J.)

fmp/cr1919.08