

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

CRIMINAL WRIT PETITION NO. 1317 OF 2015

Bhagwan s/o Dnyaneshwar Chaudhari and ors. ...Petitioners

VERSUS

The State of Maharashtra & anr. ...Respondents

WITH
CRIMINAL WRIT PETITION NO. 1315 OF 2015

Vishnu s/o Ganpat Khandagale and ors. ...Petitioners

VERSUS

The State of Maharashtra & anr. ...Respondents

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Shri P.D.Bachate, advocate for petitioner
Smt. R.K.Ladda, A.P.P. for respondent no.1/State
Shri P.B.Lad, advocate for respondent no.2
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CORAM : A.V.NIRGUDE
AND
INDIRA K.JAIN, JJ.
DATED : 1st February, 2016

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

1] Both these petitions can be disposed of by this common order.

2] These petitions seek quashing of Crime No. 154 of 2015, registered by Chikalthana police station upon receiving direction of the learned Magistrate under Section 156 (3) of the Criminal Procedure Code.

3] In order to examine whether the allegations made in the complaint make out a case of criminal nature, we perused the complaint and found that complainant Dhananjay has asserted that he is owner of land Gat No. 265 of village Apatgaon, Taluka and District Aurangabad. He himself admitted that the original owner sold this land to various people making pieces. He alleged that accused created documents to create an impression that they are owners of part of the land which actually belong to him. He also alleged that when he went to the disputed land the accused came there and threatened him of dire consequences if he would come again to the land. He, therefore, alleged that the accused conspired to prepare false documents. He also alleged that the accused cheated him.

4] The allegations made in the complaint, in our view, do not make out a case for investigation and registration of any offence. In addition to this, the parties have already gone to Civil Court to get the title of the land decided. The remedy to the complainant lied in Civil Court and not in Criminal Court. The dispute is of civil nature and, therefore, the complaints deserve to be quashed.

5] Both the Writ Petitions are allowed. Complaints stand quashed.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]