

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

CRIMINAL APPLICATION NO. 6972 OF 2014

Abdul Basid s/o. Abdul Ali .. Applicant

Versus

Abdul Faim Abdul Rashid and Ors. .. Respondents

Mr.S.S. Shinde h/f. Mr. Vivek Bhavthankar, Advocate for the applicant.

Mr.G.P. Shinde, Advocate for respondent Nos. 1 & 2.

Mr.S.B. Ghatol Patil, Advocate for respondent Nos.3 to 5.

Mrs.P.V. Diggikar, A.P.P. for respondent/State.

CORAM : A.V.NIRGUDE, J.

DATED : 01.08.2016

P.C. :-

1. This application is filed for challenging order dated 03.09.2014 passed by the learned Sessions Judge-1, Nanded thereby allowing Criminal Revision Application No.10 of 2014 and quashing the order of issuance of process. The applicant is the original complaint. He stated that he is party in two civil suits filed in the Court of Civil Judge, Junior Division, Ardhapur in respect of a piece of land Gat No.662 of village Ardhapur. Despite pendency of the suit, respondent Nos.1 & 2 who are parties to the suit, sold this land to respondent Nos.3 to 5, despite injunction order passed by the Civil Court. According to the applicant, this act on

the part of the respondents amounted to offence of cheating. But learned Sessions Judge held that this would not amount to offence punishable under section 420 of the Indian Penal Code. I agree with the view expressed by the learned Sessions Judge because ingredients of section 415 of the Indian Penal Code are absent. There is no loss caused to the applicant. There was no mis-representation made to the applicant or any other person. At the most, the transaction might amount to breach Civil Court's order for which the applicant may take appropriate action in the Civil Court.

2. The Criminal Application, therefore, stands dismissed.

[A.V.NIRGUDE, J.]