

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

CRIMINAL APPLICATION NO. 1218 OF 2017

1. Imran Ayubsab Shaikh,
Age : 32 years, Occu. Business,
R/o. Satsailani, Udgir, Tq. Udgir,
Dist. Latur.
2. Rahim S/o Ismail Patel (Shaikh),
Age : 35 years, Occu. Business,
R/o. Musa Nagar, Udgir, Tq. Udgir,
Dist. Latur.

Applicants...

Versus

1. The State of Maharashtra.
2. Abdul Samad Maqbul Shaikh,
Age : 43 years, Occu. Nil,
R/o. Sat-Sailani Galli, Udgir,
Tq. Udgir, Dist. Latur.

Respondents...

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Mr B. M. Dhanure, Advocate for petitioners.
Mr S. R. Yadav, APP for respondent/State
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**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.
DATE : 16TH JUNE, 2017**

ORAL JUDGMENT (Per R. M. Borde, J.) :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at admission stage.

2. In spite of service of notice, none appears for respondent No. 2.

3. By this application, the applicants are praying for quashment of the criminal proceedings initiated against them in pursuance to lodging of FIR bearing Crime No. 0657 of 2016 with Rural Police Station, Udgir, for offences punishable u/s 467, 468, 471, 472, 420 r/w 34 of the Indian Penal Code, on 28.12.2016.

4. The allegations levelled against the accused are in respect of transaction of sale of a residential plot, which actually belongs to father of the applicant No. 1. So far as the applicants are concerned, no actual role in regard to sale of plot is attributed to them in the criminal proceedings. According to applicants, the instant criminal proceedings are initiated as a counter blast to the FIR lodged by them on 05.08.2016 against respondent No. 2. As has been recorded above, since no role is attributed to the applicants in the FIR, the applicants cannot be held responsible for the act of sale of plot by their father in favour of respondent No. 2. Even if assuming the allegations levelled in the FIR are true, no offence can be said to have been made out against the applicants. In this view of the matter, the

criminal proceedings initiated against the applicants in pursuance to lodging of FIR bearing Crime No. 0657 of 2016 with Rural Police Station, Udgir, for offence punishable u/s 467, 468, 471, 472, 420 r/w 34 of the Indian Penal Code, stands quashed.

5. Rule accordingly made absolute. No costs.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE