

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CRIMINAL APPLICATION NO. 1703 OF 2017

VIKRANT @ VIKAS S/O. NANDKISHOR BIDWAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. Vaibhav B. Dhage
APP for Respondents: Mr. S.Y. Mahajan

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CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 18th April, 2017.

PER COURT:

1] Learned counsel for the petitioners submits that civil proceedings in respect of the property in question are pending. The original complainant is no way concerned with the said property. The said property is a vacant plot and, therefore, the allegations made in the complaint, and in particular, para. 8 thereof, are inherently improbable. He further submits that the property belongs to the present applicants and in order to protect the said property, even the applicants were required to take police protection. He invites our attention to the various documents, showing that the civil proceedings are pending and also applicants are the owners of the property in dispute.

2] On the other hand, learned APP submits that upon reading the allegations in the complaint, which is registered as FIR pursuant to the directions issued by the Magistrate under section 156(3) of Cr.P.C., it is clear that the alleged offences are disclosed and hence, those need further investigation.

3] Upon hearing the learned counsel for the applicants and learned APP and upon perusal of the grounds taken in the application, annexures thereto, and in particular, contents of the FIR and in particular, para. 8 thereof, we are of the opinion that prima facie, alleged offences are disclosed, need investigation. Hence, the prayer for quashing the FIR is rejected. Consequently, the application stands rejected. we make it clear that this order will not preclude the applicants from availing of the appropriate remedy in the event of filing report by the I.O. Under Section 173 of the Cr.P.C.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-