

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

CRIMINAL WRIT PETITION NO.1460 OF 2016

Pankaj Shamkant Mahajan,
Age 40 Years, Occu-Agri.,
R/o-At Post Nashirabad,
Tq. & Dist-Jalgaon.

PETEITIONER

VERSUS

1. State of Maharashtra
Through the Police Inspector
Zilla Peth Police Station
Jalgaon at Jalgaon.
2. Kailash Ramkishan Bangar,
Age- 30 years, Occu-Service
Working as Talathi Bhatkhande
(Bk), Tq. Pachora, Dist-Jalgaon
R/o-Ganesh Colony, Pachora,
Tq. Pachora, Dist-Jalgaon **RESPONDENTS**

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Mr.A.G.Talhar, Advocate for the petitioner
Mr.D.R.Kale, APP for the Respondent/State.

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

Reserved on : 14.02.2017
Pronounced on : 17.02.2017

JUDGMENT: (Per S.S.Shinde, J.):

1] Heard.

2] Rule. Rule made returnable forthwith, and heard finally with the consent of the parties.

3] This Petition is filed with the following prayer:

B) By appropriate writ order or direction, Crime bearing No.158/2014 dated 22.12.2014 registered with the Zilla Peth Police Station, Jalgaon for the offences punishable u/s 420, 468 and 471 of the Indian Penal Code may kindly be quashed and set aside as against the petitioner.

4] The learned counsel appearing for the petitioner submits that there is an allegation that the petitioner acted as witness and signed the agreement to sell

which was entered between Nitin Ramdas Patil and Govinda Punja Zatke. He submits that other two persons namely, Anil Govinda Zatke and Gopal Ganpat Sirole filed Criminal Application No.570/2015 [Anil Govinda Zatke and another Vs. The State of Maharashtra] and also Janardhan Chudaman Ingale filed Criminal Writ Petition No.797/2015 [Janardhan Chudaman Ingale Vs. The State of Maharashtra and another], wherein the High Court after hearing the parties and keeping in view the allegations in the First Information Report acceded to the prayer of the applicants/petitioner therein and quashed the First Information Reports to their extent. He submits that the present applicant has also played some role as that of the applicants and the petitioner in aforementioned Criminal Application / Criminal Writ Petition. Therefore, he submits that, for the reasons which are assigned while disposing of the

Criminal Application No.570/2015 and Criminal Writ Petition No.797/2015, the First Information Report bearing Crime No.158/2014 registered with Zilla Peth Police Station, Jalgaon, for the offences punishable under Sections 420, 468, 471 of the Indian Penal Code may be quashed to the extent of the present petitioner.

5] The learned APP appearing for the respondent – State fairly state that role assigned to the present petitioner in the alleged offences is like the applicants and the petitioner in the afore-mentioned Criminal Application and Criminal Writ Petition.

6] We have considered the submissions of the learned counsel appearing for the petitioner and the learned APP appearing for the respondent – State. We have carefully perused the contents of the agreement and

also role assigned to the petitioner vis-a-vis other witnesses, who have signed the agreement. Same role is assigned to the present petitioner like other witnesses namely Anil Govinda Zatke, Gopal Ganpat Sirole and Janardhan Chudaman Ingale.

7] Therefore, for the same reasons which are assigned in the judgment and order dated 01.04.2015 in Criminal Application No. 570/2015 [Anil Govinda Zatke and another Vs. The State of Maharashtra] and order dated 30.11.2015 in Criminal Writ Petition No. 797/2015 [Janardhan Chudaman Ingale Vs. The State of Maharashtra and another], and in view of the fact that the present petitioner also stands on the same footing like the applicants and the petitioner in the aforementioned Criminal Application and Criminal Writ Petition. Therefore, the FIR bearing Crime No.158/2014 registered with Zilla Peth Police Station, Jalgaon, for the offences

punishable under Sections 420, 468 and 471 of the Indian Penal Code is quashed and set aside to the extent of the present petitioner. Rule is made absolute in above terms and Criminal Writ Petition stands disposed of accordingly.

[K.K.SONAWANE]
JUDGE

[S.S.SHINDE]
JUDGE

DDC