

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

CRIMINAL WRIT PETITION NO. 24 OF 2015

Balasaheb Arjun Badade,
Age: 57 years, Occ: Service,
R/o Revenue Colony, Kopargaon,
Taluka Kopargaon, District Ahmednagar.

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Rahata Police Station, Rahata
District: Ahmednagar.

2. Anil Balasaheb Sadaphal,
Age: 30 years, Occ: Agriculture,
R/o Rahata, Taluka: Rahata,
District: Ahmednagar.

... **RESPONDENTS**

...
Mr. Nitin B. Suryawanshi, Advocate for Petitioner.

Mrs. D. S. Jape, APP for Respondent No.1 / State.

Mr. A. N. Nagorgoje, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &**

SMT. VIBHA KANKANWADI, JJ.

DATE : 26th October, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. The proceeding is filed for relief of quashing of FIR No.2 of 2014, registered with Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 420, 465, 468 and 471 read with 34 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by Respondent No.2, Anil Sadaphal. Present Petitioner was working as Talathi of village Rahata. The first informant has made allegations that false record like sale-deeds is created by Bhausahab in respect of many properties and particulars of the offence committed is as under:

- i) The first informant and his family owns area of 64.25 square meter in Survey No.1136 and this land belongs to the father of the first informant and his uncle Namdeo Sadaphal. Bhausahab created false sale-deed showing that the father of the first informant and his uncle have sold the property to

him and got entered his name in the property. As it was open space, nobody noticed this mischief.

- ii) The land bearing Survey No.29/1A+1B/2/2 admeasuring 20 Ares was standing in the name of the uncle of first informant, Namdeo and by forging the signature of uncle, Bhausahab gave application to the Talathi and got entered the property in his name.
- iii) Survey No.29/1A+1B/2/2 admeasuring 25 Ares was standing in the name of another uncle Sopan Sadaphal and Bhausahab forged his signature and by giving application to Talathi, got entered this portion also in his name.
- iv) Survey No.29/1A/1B/2/1 admeasuring 15 Ares was standing in the name of aunt, Manisha Sadaphal, but by forging the signature of Manisha, Bhausahab created false sale-deed and got entered his name in the land and for that he had even created false seal of Sub-Registrar appointed

under the Indian Registration Act.

4 Allegations are made that the present Petitioner, Talathi did not follow the procedure and by joining hands with Bhausahab Sadaphal, he entered the aforesaid properties in the name of Bhausahab. It is contended that only in the year 2011 when record was collected, it was realized that in the year 1996 and 1997 Bhausahab got entered his name in the record of aforesaid properties by joining hands with the present Petitioner.

5 There is a record like decision given by Sub-Divisional Officer, in a proceeding which was filed to challenge the entries made in favour of Bhausahab and the decision shows that the Sub-Divisional Officer observed that proper procedure was not followed and even without verifying anything, Talathi had made entries. Aforesaid main Accused was advocate and so the revenue officer had given directions to take criminal action against all of them.

6 The learned counsel for Petitioner submitted that at the most, it can be said that the present Petitioner acted negligently, but it cannot be said that he committed the crime by making entries of

mutation. The learned counsel placed reliance on some observations made by the Apex Court in the case reported as **2014 AIR SCW 3810** (Rishipal Singh Vs. State of U.P. and another) and submitted that FIR needs to be quashed. This submission is not at all acceptable. There are statements of aforesaid owners showing that they never sold the property to Accused, Bhausahab. There is no record showing that notices were published or issued before making entries in the record of rights in favour of Bhausahab. Thus, it cannot be said that there is no material against the present Petitioner. In the result, the following order is passed:

ORDER

- I. The petition is dismissed.
- II. Interim relief is vacated.
- III. Rule is discharged.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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