

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 419 OF 2012

- 1] Ramakant S/o Shripadrao Kulkarni
Age: 58 years, Occu: Agriculture,
R/o. Udgir, Tal. Udgir, Dist. Latur
- 2] Suryakant S/o Madhavrao Parge
Age: 50 years Occu: Agriculture,
R/o. Udigr, Tal. Udgir, Dist. Latur

....Petitioners.

Versus

- 1] The State of Maharashtra
Through Superintendent of Police,
Udgir
- 2] Ashok Dattatray Jadhav
Age: 47 years, Occu: Business,
R/o. Gitanagar, Nanded,
Tal. & Dist. Nanded

....Respondents.

Mr. A.N. Sabins, Advocate for Petitioners

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

Mr. V.D. Gunale, Advocate for Respondent No.2.

**WITH
CRIMINAL WRIT PETITION NO. 183 OF 2012**

- 1] Ramakant S/o Shripadrao Kulkarni
Age: 58 years, Occu: Agriculture,
R/o. Udgir, Tal. Udgir, Dist. Latur
- 2] Suryakant S/o Madhavrao Parge
Age: 50 years Occu: Agriculture,
R/o. Udigr, Tal. Udgir, Dist. Latur

....Petitioners.

Versus

- 1] The State of Maharashtra
Through Superintendent of Police,
Udgir

- 2] Mudrikabai Pandharinath Kendre
Age: 52 years, Occu: Agriculture & Household,
R/o. Gitanagar, Nanded,
Tal. & Dist. Nanded **....Respondents.**

Mr. A.N. Sabins, Advocate for Petitioners

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

Mr. V.D. Gunale, Advocate for Respondent No.2.

WITH
CRIMINAL WRIT PETITION NO. 184 OF 2012

- 1] Ramakant S/o Shripadrao Kulkarni
Age: 58 years, Occu: Agriculture,
R/o. Udgir, Tal. Udgir, Dist. Latur
- 2] Suryakant S/o Madhavrao Parge
Age: 50 years Occu: Agriculture,
R/o. Udigr, Tal. Udgir, Dist. Latur **....Petitioners.**

Versus

- 1] The State of Maharashtra
Through Superintendent of Police,
Udgir
- 2] Atmaram Manappa Ghuge
Age: 52 years, Occu: Agriculture & Household,
R/o. Gitanagar, Nanded,
Tal. & Dist. Nanded **....Respondents.**

Mr. A.N. Sabins, Advocate for Petitioners

Mrs. D.S. Jape, APP for Respondent/State

Mr. V.D. Gunale, Advocate for Respondent No.2.

CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 24/10/2018.

JUDGMENT : [PER T.V. NALAWADE, J.]

1) The three proceedings are filed for reliefs of quashing of three different F.I.Rs. All of them are registered against the same persons, the petitioners.

3) The submissions made and the record show that in land Gat No. 16/2, Mudrikabai Pandharinath Kendre has 1 H. 62 R. land. The land was entered in her name under mutation and in revenue record her name was shown as owner and a person in possession atleast from the year 1977-78. Her father Atmaram Maneppa Ghuge was owner of some portion of this land. From him, in the year 1993 two sale deeds were got executed in respect of entire potion of this land by the petitioners. They prepared 211 plots and on the date of application, according to petitioners, they had sold 150 plots.

4) Mudrikabai learnt about such record created when attempt was made first time to remove her name from 7/12 extract on the basis of sale deeds. She gave public notice to inform that she was the owner of the aforesaid portion. Present petitioners gave reply to the said notice and contended that they had purchased the entire portion. Petitioners approached to Sub-Registrar appointed under Registration Act also to see that Mudrikabai is prevented from registering sale transactions in respect of the portion shown to be owned by her. She sold the portion to Ashok Jadhav. It is contention

of Ashok Jadhav in one crime that under sale deed he got possession of the land and the purchasers from petitioners tried to obstruct his possession over the land. It is contended that on one day i.e. on 10.9.2011 the petitioners and others came with tractor and those persons tried to remove his structure and they tried to take possession forcibly of his property. It is his contention that as articles like tin sheets used for preparing sheds, cabinet, cot, chairs and household articles were forcibly taken away by the petitioners and by that, they committed the offences punishable under sections 379, 395, 447, 504, 34 etc. of IPC. The private complaint was filed on 28.2.2012. Prior to that, on 14.11.2011 Mudrikabai, the owner had filed a private complaint before Judicial Magistrate, First Class, Udgir containing allegations against the present petitioners and even her father Atmaram Ghuge that behind her back sale deed of her share was executed in favour of present petitioners when she was in possession of the land as owner. It is contended that initially the present petitioners had contacted her also for purchasing the land, but subsequently, they did not turn up. It is contended that she learnt about the transactions between her father and the petitioners only when application for mutation was made on the basis of application made by her behalf in favour of her father. Criminal Writ Petition No. 183/2012 is filed to challenge the crime registered on the basis of her complaint which is referred by J.M.F.C. for

investigation under section 156 (3) of Criminal Procedure Code.

5) C.R. No. 150/2011 was registered on the basis of report given by Atmaram Ghuge, father of the aforesaid lady. He has made allegations that false representation was made to him by the present petitioners and by misusing the circumstance that he is illiterate and he cannot read and writ, his signatures were obtained on sale deed. It is his contention that when some portion of land was owned by his daughter Mudrikabai, in respect of that portion also sale deed was got executed by the present petitioners from him. It is contended that initially there was agreement between petitioners on one hand and Mudrikabai and first informant Atmaram on the other. But to deceive everybody, aforesaid modus operandi was used by the petitioners. Criminal Writ petition No. 184/2012 is filed for quashing of this F.I.R.

6) F.I.R. No.25/2012 is registered on the basis of report given by Ashok Jadhav which is of aforesaid nature.

7) The record shows that the land which is in the name of petitioners was standing in the name of Mudrikabai (to the extent of 1 H. 62 R.). Circumstance is there that mutation was not effected on the basis of sale deeds for many years even when sale deeds were

shown to be executed in the year 1993 and 1994. All these circumstances and nature of allegations show that a peculiar modus operandi was used by the petitioners to grab the property. It is the case of vendor shown on the record that no consideration was paid to him. In view of all these circumstances, this Court holds that no relief can be granted to the petitioners. In the result, all the three petitions stand dismissed. Rule is discharged.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/