

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

Criminal Application No.2914 of 2007

* Angad Maroti Suryawanshi,
Age 39 years,
Occupation : Business,
R/o Sant Goroba Colony,
Latur, District Latur. **.. Applicant.**

Versus

- 1) The State of Maharashtra.
- 2) Taluka Inspector of Land Records,
Latur, Taluka & District Latur.
- 3) Divisional Railway Manager (Works)
Central Railway, Solapur. **.. Respondents.**

Shri. V.D. Salunke, Advocate, holding for Shri. T.M.
Venjane, Advocate, for applicant.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent Nos.1 and 2.

Shri. M.N. Navandar, Advocate, for respondent No.3.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 02 JULY 2018

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

- 1) The application is filed under section 482 of the
Code of Criminal Procedure for the relief of quashing of

FIR No.23/2006 registered with Shivajinagar Police Station Latur for offences punishable under sections 467, 468, 420 etc. of Indian Penal Code. Both the sides are heard.

2) The crime is registered on the basis of report given by Taluka Inspector of Land Record, revenue officer, on 13-2-2006. He has contended that present applicant had applied to survey office for measurement of his land and accordingly notices were issued to the concerned including Railways and the land was measured. It is contended that measurement map was also supplied to the present applicant. It is contended that after measurement, the applicant produced record showing that the railway authority, Solapur had sold the said portion (190 square meters) belonging to the railways to the present applicant for consideration of Rs.3000/-. On that basis present applicant had requested to enter his name in the revenue record as the owner. For entering the name notices were issued to the concerned including railways. The railway authority informed in writing that the land was not given in any manner to the present applicant.

Similarly the Collector informed that false record was prepared by the present applicant to show the ownership over the property of railways and the Collector directed the Tahsil office of the Land Record to give F.I.R. against the present applicant. Accordingly report was given. Along with F.I.R. the record supplied by the present applicant like letter dated 30-1-2006 purportedly given by Divisional Railway Manager (Works), Central Railway, Solapur was produced and the letter dated 10-2-2006 is also produced to show that the railway authority, Divisional Engineer (Control) of Central Railway, Solapur has informed that the record of ownership produced by the present applicant before the revenue officer was forged and appropriate legal action needs to be taken against him.

3) Learned counsel for the applicant took this Court through some record like one agreement titled as sale document written on general stamp of Rs.50/- denomination. One Nijamoddin is shown as vendor and the applicant is shown as purchaser of portion admeasuring 15 ft x 90 ft from Gat No.57. This portion is

shown to be situated on Northern side of railway line but no record is produced to show that Gat No.57 was belonging to Nijamoddin. Further, there is the aforesaid record used by the present applicant to show that the portion was belonging to railways and he had paid charges to show that the portion was allotted to him by railways. Some record is produced by the applicant to show that he has obtained no objection certificates of railways and other authority to make construction on the aforesaid disputed portion. But that record was of 2005. At the cost of repetition it needs to be mentioned that the so called letter of allotment is shown to be issued on 30-1-2006. Today, when this Court declared the order that the proceeding is dismissed, the applicant in person produced on record copy of letter of the Collector Latur dated 13-9-2005 to show that the Government had no concern with Survey No.57 or Survey No.196. It is also mentioned that the Government has not given this land to the applicant as the Government had no concern with these lands.

4) The record produced by the applicant and the submissions made show that with different authorities

present applicant made different submissions and produced different record to get various permissions. It is unfortunate that the authority without considering other possibility issued no objection certificate in favour of the present applicant to make some construction. This conduct of the applicant can be used against him for proving the offences if the case is filed against him. Admittedly, the space is not legally transferred to the present applicant and there is specific allegation against present applicant that he created forged document of allotment of land by railways to him. By using some record he has deceived everybody and he obtained some permissions or no objection certificates. It cannot be said that there is no substance in the allegations made against him in the F.I.R. The aforesaid material is sufficient to file charge-sheet. This Court holds that no relief can be granted to the applicant. In the result, the proceeding is dismissed. Rule is discharged. Interim relief is vacated.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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