

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

CRIMINAL APPLICATION NO. 4245 OF 2014

Dilip s/o. Uttamrao Salunke,
Age 59 years, Occu. Retired as
Deputy Inspector General of
Registration
R/o. Sankalp Niwas, Shivaji
Housing Society, Barshi Road,
Latur.

....Applicant.

Versus

1. The State of Maharashtra
Through District Superintendent
of Police, Latur.
2. The Police Inspector,
Shivaji Nagar Police Station,
Latur.
3. Smt. Shakuntala w/o. Kisanrao Ghotale,
Age 60 years, Occu. Household,
R/o. Sambhaji Nagar, Latur. **....Respondents.**

Mr. S.B. Bhapkar, Advocate for applicant.

Mr. V.S. Choudhary, APP for respondent Nos. 1 and 2.

Mr. C.V. Dharurkar, Advocate for respondent No. 3.

WITH
CRIMINAL APPLICATION NO. 4128 OF 2014

Yeshwantrao s/o. Eknathrao Londhe,
Age 65 years, Occu. Advocate,
R/o. 55, Ayodhya Colony,
Old AUSA Road, Latur,
Tq. and Dist. Latur.

....Applicant.

Versus

1. The State of Maharashtra

Through Police Station
Shivaji Nagar, Latur.

2. Sow. Shakuntala w/o. Kishanrao Ghotale,
Age 60 years, Occu. Household,
R/o. Sambhaji Nagar Khadgaon Road,
Latur, Tq. & Dist. Latur.**Respondents.**

Mr. V.D. Salunke, Advocate for applicant.

Mr. V.S. Choudhary, APP for respondent No. 1/State.

Mr. C.V. Dharurkar, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.**

DATED : 30/07/2018

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

1) Both the proceedings are filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 18/2014 registered with Shivaji Nagar Police Station, Latur for the offences punishable under sections 420, 467, 468, 471, 34 etc. of Indian Penal Code. Both the sides are heard.

2) The submissions made and the record show that the first informant Smt. Shakuntala Ghotale has some civil dispute with Balaji Shinde and Vishwambhar Mane. The submissions made show that Balaji Shinde had filed civil suit against this lady for relief of injunction and the lady, first informant has filed suit for declaration and injunction in respect

of disputed immovable property.

3) The applicant from the first proceeding Dilip Salunke was working in the office of Sub-Registrar for registration of documents under the Indian Registration Act. Allegations are made against him that even when the sale deed executed in favour of Balaji Shinde by Vishwambhar Mane was suspended in the past for some office objections, the applicant illegally allowed the registration of the document and thereby helped Balaji Shinde and Vishwambhar Mane. The applicant from second proceeding Yashwantrao Londhe is advocate and he has signed on the sale deed executed in favour of Balaji Shinde by Vishwambhar Mane as witness or as a person identifying the vendor. There are allegations against him that he has joined hands with the main accused and with the help of Sub-Registrar, they got registered sale deed executed in favour of Balaji Shinde even when there were valid objections and no steps were taken for removal of the objections.

4) This Court is avoiding to mention the nature of dispute. The Civil Court will be deciding that dispute. The record is produced to show that allegations made against Dilip

Salunke were considered by his Superior Officer, Department and they found no substance in the allegations. Copy of the intimation given to first informant Smt. Shakuntala Ghotale dated 6.8.2015 is produced on record. The first informant was not party to the document and the applicant registered the document on the basis of order of Joint Registrar. There was such record and so, the Department did not find any fault in the matter of Dilip Salunke.

5) So far as the advocate, applicant from the second proceeding is concerned, it can be said that on the sale deed his signature is there to identify the vendor Vishwambhar Mane. Only due to that circumstance, it cannot be said that he had joined hands with Vishwambhar Mane or the purchaser. On the basis of contents of F.I.R. and the submissions made, it cannot be said that the contents were drafted by this applicant. Further, in view of the nature of dispute, it can be said that the document, which was executed in favour of Ashok Bhosale by original owner Khandagale, could not have been made available to the person who had drafted the sale deed as the sale deed must have been with Bhosale or the first informant of the present matter. In view of these circumstances, this Court holds

that no offence is made out against the present applicants by the first informant and nothing can be achieved by directing the applicants to face the trial if police file chargesheet against them for aforesaid offences. In the result, both the applications are allowed. Relief is granted to the applicants in terms of prayer clause 'C' of the two matters. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/