

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

CRIMINAL APPLICATION NO. 5511 OF 2012

Shilabai w/o. Rajendra Dhakne,
Age 28 yeas, Occu. Service,
R/o. Jadhavwadi, Aurangabad.

....Applicant.

Versus

1. The State of Maharashtra
Through Police Inspector,
City Chowk Police Station,
Aurangabad.

2. Rukhmanbai w/o. Bhavrao Nagare,
Age 65 years, Occu. Household,
R/o. Shri. Krushnanagar,
Jadhavwadi, Harsul, Pisa Devi
Road, Tq. & Dist. Aurangabad.

....Respondents.

Mr. S.V. Natu h/f. Mr. K.N. Lokhande, Advocate for applicant.

Mrs. P.V. Diggikar, APP for respondent No. 1/State.

Mr. H.F. Pawar h/f. Mrs. N.R. Suryawanshi, Advocate for respondent
No. 2.

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

DATED : JULY 25, 2018.

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

1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 193/2012 registered with City Chowk Police Station, Aurangabad for offence punishable under section 420 etc. of Indian Penal Code. Both the sides are heard.

2) The Investigating Officer has filed reply affidavit. Submission is made for the State that during investigation, the first informant gave statement that she has purchased 4 plots from Gat Nos. 39 and 40 from present applicant and that property is available for her even after disposal of some property by the present applicant to third party. Statements of some other persons who were allegedly deceived are already recorded and they submitted that they have cancelled the agreements which were made with the present applicant and they have no grievance against the applicant. Thus, indirectly the submissions are made that they have no objection to grant the relief claimed in the present matter.

3) The nature of grievance also shows that there was some misconception. In F.I.R., contentions are made that on 14.10.1997 agreement of sale of 6 plots was made, 3 plots were actually sold under registered sale deed dated 1.6.2009 and after that no steps were taken to execute the sale deed in respect of remaining three plots. It is her contention that some property was then sold to other persons like Ravikant Gawali and as the property which was sold to her was transferred to other person, offence of cheating is committed. The submissions made and the report of police show that parties have settled the dispute and now the first informant has

no grievance. In view of these circumstances, the application is allowed. Relief is granted in terms of prayer clause 'A'. Rule is made absolute in aforesaid terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

SSC/