

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

CRIMINAL APPLICATION NO. 6750 OF 2013

1. Girish s/o. Hanmantrao Patil,
Age 51 years, Occu. Agri.,
R/o. Degloor, Taluka Degloor,
District Nanded.
2. Sanjay s/o. Hanmantrao Patil,
Age 37 years, Occu. Agri.,
R/o. Degloor, Taluka Degloor,
District Nanded.

....Applicants.

Versus

1. The State of Maharashtra
2. The Investigating Officer,
Police Station, Degloor,
Taluka Degloor, District Nanded.
3. Smt. Nagabai w/o. Datta Bangarwad,
Age 75 years, Occu. Household &
Agriculture, R/o. Deshpande Galli,
Degloor, Tq. Degloor, District
Nanded.

....Respondents.

Mr. Nandgavale h/f. Mr. V.G. Sakolkar, Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondent Nos. 1 and 2.

Mr. U.B. Bilolikar, Advocate for respondent No. 3.

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

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

1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of C.R. No. 200/2013 registered with Degloor Police Station, District Nanded for the

offences punishable under sections 420, 468, 471 r/w. 34 of Indian Penal Code. Both the sides are heard.

2) The crime is registered on the basis of report given by respondent No. 3. She has made allegations that present applicants created false record of application etc. and by joining hands with her sons like Girish and Sanjay, revenue record was changed and the property bearing Gat No. 989 (old Survey No. 337/AA) admeasuring 1 H. 42 R. from Degloor which had come to the family of her husband as Inam land is grabbed by the present applicants. It is her contention that when she obtained 7/12 extract, she realized that false revenue record was created and even the entries were removed. She has made allegations against the applicants and revenue officers who jointed hands.

3) The learned counsel for applicants submitted that their predecessor Gangadhar and Gangaram got mutation entry sanctioned in their names and then Regular Civil Suit No. 130/2004 was filed against two sons of the first informant. It is contended that in the said suit, two sons of the first informant admitted the claim of the plaintiffs, present applicants and it was also admitted that by mistake the property was entered in the name of husband of the first informant in the year 2001. However, it is admitted that

proceeding is filed under Order XXIII, Rule (3) r/w. Section 151 of Civil Procedure Code by first informant for setting aside the compromise decree obtained by the applicants in R.C.C. No. 130/2004. She has made her two sons party respondents in the said proceeding.

4) The submissions made and the record show that the property was in the possession of the husband of the first informant under mortgage and first informant had share in the property. Others have also share in that property. It is also admitted that it was Inam property. It appears that by using compromise decree which could not have been given in view of nature of the property, the mutations are effected. Thus, there is sufficient material to make out the case of fraud and forgery. Thorough investigation in the matter is necessary and F.I.R. cannot be quashed. In the result, the application is dismissed. Interim relief is vacated. Rule is discharged.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/