

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2945 OF 2017**

Sunil Pandurang Jethe Bhanushali

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

**Mr. S. G. Deshmukh a/w Mr. S. Q. Qureshi i/b M/s C. K. Legal for the
Petitioner**

Mr. R. M. Pethe APP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DATE : 8th MARCH, 2018**

P.C.

1 The Writ Jurisdiction of this Court is invoked for a direction to be issued for registration of an FIR in respect of the offence punishable under Sections 406, 420, 463, 465, 467, 468, 471 and 120B read with Section 34 of the Indian Penal Code, 1860 against the partners of one M/s Rao and Associates i.e. Mr. N. G. Rao, Veena Kashi and Mr. Y. C. Sathe of M/s Sanghavi Premises Ltd. The Complaints of the Petitioner dated 3-2-2015 and 19-3-2015 were considered by the concerned police station and the police have come to a conclusion that the dispute in respect of the land in question is a civil dispute. The allegations made in the Complaints are in respect of land admeasuring 9,966 sq.yards bearing Survey No.335, Hissa No.4; Survey No.336, Hissa No.1

and 4; Survey No.440 Hissa No.2, Survey No.441, Hissa No.1; Survey No.1857, 1878, 1879/1 and 1878/2 of Village Kolekalayn compendiously known as “Kadamwadi”. A reading of the complaints discloses that the allegations revolve around the dispute as regards the transfer of the said land, the revenue entries got effected in respect of the said land, whether the Power of Attorney allegedly executed by the original owners of the said land could be acted upon, and the legality of a decree passed by the Small Causes Court in a proceeding between the tenant and the landlord. The Petitioner herein claims to be Constituted Attorney of the heirs of the original tenant one Gajanan Sahadeo Kadam.

2 Having heard the Learned Counsel for the Petitioner Mr. Deshmukh and having perused the record, we do not deem it fit to issue the direction as sought by the Petitioner. Reliance is placed on the judgment of the Apex Court in the matter of **Lalita Kumari Vs. Govt. of Uttar Pradesh & Ors.**¹, and the judgment of the Full Bench of this Court in the matter of **Sandeep Rammilan Shukla & Ors. Vs. The State of Maharashtra & Ors.**² in our view the said judgments would not aid the Petitioner in his endeavour to seek the direction sought in the above Petition as the Police has on a consideration of the complaints reached a conclusion that the dispute is civil in nature.

1 2014(2)SCC 1

2 2009 ALLMR (CRI) 2991

3 Having regard to the parameters of the dispute sought to be raised by the Petitioner, we are also of the view that the dispute in question is essentially a civil dispute. Hence, no case for exercise of the Writ Jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]