

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO.519 OF 2019**

1. Shardabai W/o Diliprao @ Ashokrao Sarwade
Age : 53 Years, Occ. Household,
R/o. Bhavasar Galli, Jalna,
Tq. Jalna, Dist. Jalna

2. Kanta W/o Datta Lande
Age : 55 Years, Occ. Household,
R/o. Jalna Tq. & Dist. Jalna

3. Shantabai W/o Panditrao Burgule
Age : 58 Years Occ. Household,
R/o. Jintur Tq. Jintur
Dist. Parbhani.

.. PETITIONERS

VERSUS

1. The Superintendent of Police
Superintendent Police Office,
Jalna

2. The Police Inspector,
Police Station, Kadim-Jalna,
Tq. & Dist. Jalna

3. Yogiraj S/o Narayan Dhotre
Age : 70 Years, Occ. Pensioner,

4. Subhash S/o Narayan Dhotre,
Age : 65 Years, Occ. Pensioner,
Both R/o. Gandhi Chaman,
Double Jeen, Near Dr. Satte Hospital,
Old Jalna Tq and District Jalna.

... RESPONDENTS

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Advocate for Petitioners : Mr. G.V. Mohekar
PP for Respondents: Mr. S. B. Yawalkar

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**CORAM : T.V. NALAWADE AND
MANGESH S. PATIL ,JJ.
DATE : 22th APRIL, 2019.**

ORAL JUDGMENT (PER T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. Heard both the sides.

3. The Notice of the present proceeding was issued to Respondent Nos. 3 and 4, though it was not necessary but report shows that they refused to accept the notice. Envelops to that effect are produced on record and affidavit in support of the endorsement is filed by one of the petitioners.

4. Respondent Nos. 3 and 4 are the brothers of the petitioners. It is contention of the petitioners that the agricultural lands which is the ancestral is acquired for public purpose and the compensation in respect of that amount is to be disbursed. It is their contention that they want compensation of their share but Respondent Nos. 3 and 4 have created false record to grab that amount. It is contended that they have filed Writ Petition to see that their rights are protected and in that Writ Petition this Court has granted stay, against the disbursement of the amount. It is contended that even when there is stay order, respondent Nos. 3 and 4 have filed application purportedly signed by the petitioners

to show that they were withdrawing the objection raised before the authority. It is contended that those applications are also forged and they never signed on such applications.

5. Copy of complaint given to the Police Station are produced on record and it is signed by all the three petitioners and they have made the allegations of aforesaid nature. As there are aforesaid circumstances and as the allegations constitute aforesaid offence of forgery and attempt of cheating, this Court holds that in view of law laid down in **AIR 2014 187 (Lalita Kumari Vs. Government of Uttar Pradesh and Others)** case the crime needs to be registered. In the result the petition is allowed. Relief is granted in terms of prayer clause 'B'.

Rule made absolute in those terms.

[MAGESH S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/