

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3095 OF 2018

Ms. Sheetal Tejwani.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. A. P. Kulkarni i/b S. M. Kursija for the Petitioner.

Mr. K. V. Saste, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **June 21, 2019.**

P. C. :

1. Heard learned counsel appearing for the respective parties. The petition is filed for quashing the FIR bearing CR. No.145 of 2018 registered with Shivaji Nagar Police Station, Pune wherein the allegations are made with regard to commission of offence punishable under sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860. Though there are four accused in the said FIR, the quashment is sought only against the Petitioner herein.

2. The said FIR is registered at the instance of Respondent No.2 herein against four accused, namely, Advocate Sagar Suryawanshi, Advocate Shital Tejwani @ Suryawanshi (present applicant), Advocate and Notary Nivrutti Pansare and

Advocate Priyanka Shelar. The FIR discloses that the complainant is partner in Rozari Education Group which runs 7 educational institutions. Accused No.1 - Advocate Sagar Suryawanshi was the legal advisor of said Rozari Education Group and a facility agreement was executed between said Rozari Group and Advocate Sagar Suryawanshi along with the present Applicant (wife of Sagar Suryawanshi). In the year 2015, there was a transaction in respect of land bearing Survey No. 394/2, at village Talegaon, taluka-Maval, district-Pune in between the complainant on one hand and the Petitioner and her husband-Sagar Suryawanshi on the other hand. By the said transaction, the Rozari Institutes/group purchased the said property and mortgaged the same with Cosmos Bank. Subsequently, the complainant learnt that the said property is not of the ownership of the Petitioner or her husband. Therefore, there was dispute between the parties. The Cosmos Bank has filed an FIR against said Rozari Group/Institutes wherein Respondent No.2 (complainant) is also arraigned as accused.

3. Special Civil Suit No. 1598 of 2015 was filed by the Petitioner against Rosari Education Group and two others. In this suit, the other accused- Priyanka Shelar has filed vakalatnama on

behalf of Rosari Education Group. It is the allegation in the FIR that upon taking search of the said suit, the complainant-Respondent No.2 herein came to know about the said facts. He also learnt that said Priyanka Shelar has filed affidavit on behalf of Rosari Education Group. It is the allegation of the complainant that they have not given Vakalatnama to said accused Priyanka Shelar nor have they affirmed the affidavit. The specific contention is taken that the signatures of the complainant are forged and the present petitioner and said notary Pansare conspired to obtain ex-parte order in the said suit.

4. The aforesaid allegations, in our considered opinion, do disclose the commission of an offence. In that view of the matter, we are not inclined to entertain this writ petition for quashment of the subject FIR in exercise of inherent powers of this Court under section 482 of the Code of Criminal Procedure, 1973. The petition is devoid of merit and the same is dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]