

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.2836 OF 2016

Tanaji @ Dnanoba @ Anaji Chavan and Ors. ...Petitioners

vs.

The State of Maharashtra and Anr. ...Respondents

Mr. Nikhil P. Mallelwar i/b Mr. Sachin Pawar for the Petitioners.

Mr. S. R. Shinde, APP for the Respondent No.1/State.

Mr. Amit A. Gharte for the Respondent No.2.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 27/02/2019.

P.C.:

. Heard respective counsel. According to respondent No.2, who is complainant in Criminal Case No.56/2015 on the file of JMFC, Cantonment Court after making him understand that his share in joint land situated at Saswad is to be transferred and showing him draft of Sale Deed, actual sale deed in relation to his own land situated at Phursungi has been obtained. The sale deed is in favour of accused Nos.1 to 6 before the Cantonment Court and the petitioners have assisted them in the matter. Petitioners are therefore Respondent Nos.7 to 15 in that Court.

2. Offences alleged are under sections 420, 467, 468, 471, 504, 506(II) read with 34 of IPC.

3. Petitioners submit that the draft of document of sale to be registered and executed was known to respondent No.2 beforehand and the grievance therefore is misconceived.

4. Respondent No.2 expressly complained that he was misled by showing wrong draft. It is to be noted that builders in whose favour the Sale Deed has been obtained are not parties in the present matter. We cannot therefore quash and set aside the cognizance partially.

5. In the situation, we are not inclined to intervene in extraordinary jurisdiction.

6. We however clarify that the observations made by us are only for the purpose of refusing to intervene in this jurisdiction and all contentions of the parties are kept open and the same can be raised by them at appropriate juncture.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)