

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 135/2019
IN
CRIMINAL WRIT PETITION NO. 244/2019

Mrs. Rachana R. Bhaskare & anr.

..VS..

State & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.V. Chauhan, Advocate for the petitioner
Shri S.S. Doifode, APP for the respondent/State

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.
DATED : 02/05/2019

As the petition is not yet admitted and prima facie it appears that the proposed amendment will be of assistance in considering the controversy, the petitioners are permitted to amend the writ petition.

The criminal application is **allowed** accordingly.

CRIMINAL WRIT PETITION NO. 244/2019

Heard.

By this petition under Article 226 of the Constitution of India, the petitioners (wife and husband aged about 64 and 69 years) have prayed that the respondents be directed to take cognizance of the complaint filed by them on 14/03/2019.

According to the petitioners, the allegations made in the complaint make out a cognizable offence, and therefore the respondents are under an obligation to register the FIR and conduct investigation.

In response to the notice issued by this Court, the respondent no. 1 has filed reply. In the reply, it is the stand of the respondent no. 1 that the person against whom the complaint is lodged by the petitioners has filed civil suit in the matter, and therefore it being dispute of civil nature and pending before the Civil Court, the respondents have not taken any action.

Prima facie, we are not satisfied with the stand taken by the respondents. It is the specific complaint by the petitioners that the documents on the basis of which the person against whom the complaint is lodged has forced his entry in the property belonging to the petitioners, are forged and the petitioner no. 1 has not signed on those documents. It is unexplained as to why the police authorities have not taken any steps to get the documents from the Civil Court and get the signatures on those documents verified through the Government Handwriting Expert.

The Deputy Commissioner of Police, Zone – 2, Nagpur is directed to take custody of the concerned documents from the Civil Court and get report of the Government Handwriting Expert on those documents.

The report shall be placed on record of this petition till the next date.

List the petition for further consideration/hearing
on 12/06/2019.

JUDGE

JUDGE

Ansari