

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

CRIMINAL APPLICATION (APL) NO.486/2016

Chirkuta @ Avinash Gopal Dhengale

..Vs..

State of Maharashtra and another

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for the applicant.
Shri T.A. Mirza, A.P.P. for non-applicant No1. / State.
Shri Apurv De, Advocate for non-applicant No.2.

CORAM : Z.A.HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 11.10.2019.

1] Heard.

2] By this application under Section 482 of the Code of Criminal Procedure, the applicant has prayed that the F.I.R. No.395/2016, dated 25th December, 2017 registered with Police Station Warora, Chandrapur against him for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code and Charge-sheet No.172/2017, dated 25th December, 2017 be quashed.

3] Sou. Sunita Govinda Ambade in her report stated that she alongwith her mother-in-law and brother-in-law had immovable property bearing Survey No.33, admeasuring 5.76 H.R. They wanted to sell 4.32

H.R. out of said property. The present applicant stood as a Mediator. Consideration for that sale of the land was agreed to be Rs.11,00,000/- per hectare. The said land was jointly purchased by one Siddhartha Mahadeo Dhoke and Anil Narayan Warkhade, both R/o Warora. The total consideration was Rs.1,21,00,000/-. The informant and co-vendors received Rs.90,00,000/- and the balance amount of Rs.31,00,000/- was agreed to be paid later on through the present applicant, he being relative of the informant and being a mediator. On 8th February 2013, the sale deed was got registered at the office of Sub-Registrar, Warora.

4] It is further alleged that the applicant did not pay Rs.31,00,000/- to the informant and he refused to pay and asked the informant to do whatever she wants to do. As the brother-in-law of the informant smelled something fishy in 7/12 extracts, he approached Patwari. There he came to know that their land Survey No.19 admeasuring 1.33 H.R. out of 1.72 H.R. and Survey No.21 amdeasuring 2.97 H.R. out of 3.96 H.R. were also sold through registered sale-deed in the name of the present applicant and one Siddharth Mahadeo Dhoke / co-accused, both R/o Warora on the same date i.e. 8th February, 2013. On enquiry with the present applicant, he stated that whatever has been done is done correctly and now the informant shall do whatever she wants to do and, therefore, she lodged report.

5] Learned Advocate for the applicant Shri Sirpurkar, prayed for quashment of the impugned F.I.R. mainly on the ground that the informant did not file any civil suit for cancellation of the sale-deeds for the aforesaid lands nor did Sub-Registrar in whose office the aforesaid sale-deeds got registered is made accused in this crime. We are not impressed with the argument of learned Advocate for the applicant. At the outset, contentions in the F.I.R. on the face of it clearly discloses the case of cheating. For quashment of F.I.R., in our view, filing or not filing of civil suit is not relevant. So also impleadment of Sub-Registrar as co-accused is also not very relevant to decide the role of the present applicant in the crime. We do not find that the present case is a fit case to quash the F.I.R. hence, the application is **rejected**.

JUDGE

JUDGE