

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

**CRIMINAL APPLICATION (APL) NO.487/2016**

Siddharth S/o Mahadeo Dhoke

..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 25<sup>th</sup> 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 25<sup>th</sup> 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. One Chirkuta @ Avinash Gopala Dhengale 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 purchased by the applicant Siddartha 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 Chirkuta @ Avinash Gopala Dhengale, he being relative of the informant and being a mediator. On 8<sup>th</sup> February 2013, the sale deed was got registered at the office of Sub-Registrar, Warora.

4] It is further alleged that the mediator / co-accused 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. and out of Survey No.21 2.96 H.R. were also got sold through registered sale-deed in the name of the present applicant and the mediator / Chirkuta @ Avinash Gopal Dhengale / co-accused, both R/o Warora on the same date i.e. 8<sup>th</sup> February, 2013. On enquiry with the mediator / Chirkuta Dhengale, 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 registration 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**