

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

WRIT PETITION NO.4567 OF 2018

Shivraj Dnyandeo Mote

...Petitioner

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Prashant Darandale for the Petitioner.

Mr. Vikas B. Shivarkar for Respondent No.2 a/w Mr. K. V. Shaikh.

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

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 2/1/2020.

PC.:

. Effort of learned counsel for the petitioner is to urge that dispute essentially is of civil nature has been turned into a dispute of criminal nature. The entire amount as agreed was not paid, forcible possession was taken by complainant and then illegal construction was carried out. That constructions was demolished by Pune MC which ultimately resulted in loss to the petitioner only.

2. Despite this the petitioner paid back about 50% of the amount and there is no intention to cheat.

3. Learned counsel for the complainant submits that after notorized agreement between parties amount was paid and possession was received and thereafter construction came to be completed and the petitioner never objected to it. After the construction was removed, the dispute cropped up.

4. Learned APP submits that parties have not paid stamp duty at all and therefore public revenue has been lost.

5. We find substance in the contention of learned APP. We are therefore not inclined to intervene in extraordinary jurisdiction. We keep all contentions of the parties open and dispose of the petition.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)