

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

**CRIMINAL APPLICATION (APL) NO.1254 OF 2017**

Nilakanth Chintaman Joshi and Anr. ...Applicants

vs.

The State of Maharashtra and Anr. ...Respondents

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Mr. Paras Yadav for the Applicants.

Smt. Aruna S. Pai, APP for the Respondent/State.

Mr. Nihal Mansuri i/b Mr. Aashish Satpute for Respondent No.2.

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

**DATE : 3/2/2020.**

**PC.:**

. The applicant against whom FIR under section 447, 427 and 34 of IPC has been registered on 6/10/2017 is before this Court pointing out that he had purchased that property long before alleged purchase by the complainant and the property purchased by the complainant is different. It is further submitted that for the alleged offence committed on 10/9/2017 or before that, FIR has been lodged on 6/10/2017.

2. With the assistance of learned APP we have perused FIR. FIR shows purchase of very same property by respondent No.2, fact that he was placed in possession thereof and that he was dispossessed by the applicant. It is mentioned that lock was broken open and the applicant entered the possession.

3. In this situation, merely because FIR is lodged after some time that does not enable us to hold that offence is not made out.

4. The FIR as lodged therefore makes out the offence. We are therefore not inclined to interfere in extraordinary jurisdiction. We keep all contentions of the applicants open and with liberty to the applicant to raise the same before trial Court at appropriate juncture we dispose of the present petition. Ad-interim order stands vacated.

5. Learned counsel for the applicant at this stage requests for continuation of ad-interim order for period of 4 weeks. Ad-interim order so operating till today shall continue to operate for a period of 4 weeks and shall automatically cease to operate thereafter.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)