

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 3419 OF 2019

- 1) Ranjeet S/o Shivajirao Patil,
Age:- 40 years, Occ:Agri & President of trust,
- 2) Dhanaji S/o Vithalrao Kapde
Age:- 56 years, Occu:Agri & Vice President of Trust,
- 3) Pramod S/o Aatmaram Kapde
Age:- 38 years, Occ: Asst. Teacher & Secretary of trust
- 4) Usha S/o Gorakh More
Age:- 42 years, Occu: Household
- 5) Bharat S/o Harischandra Biradar,
Age:- 56 years, Occ: Asst. Teacher & Treasurer,
- 6) Shivajirao S/o Nagorao Kapde,
Age:- 67 years, Occ: Retd Ex Serviceman,
- 7) Venkat S/o Abhangrao Biradar
Age:- 46 years, Occ: Maji Sarpanch,
- 8) Vinod S/o Ashokrao Biradar
Age:- 36 years, Occ: Agri,
- 9) Jagannath S/o Suryaji Wadikar
Age:- 50 years, Occ: Agri,
- 10) Ganpat S/o Shankar Bhinge,
Age:- Major years, Occ: Major,
- 10) Shrimant S/o Laxman Telange,
Age:- Major years, Occ: Major,
All are R/o: Sawargaon, Tq. Deoni,
Dist. Latur.

... APPLICANTS

VERSUS

1. The State of Maharashtra
Through Police Station,
Deveni, Tq. Devni,
Dist. Latur.
2. Tukaram S/o Vasantrao Saware
Age:- 45 years, Occu: Gramsevak,
Village Sawargaon,
R/o Bamni Tq. Udgir Dist. Latur.
3. Sugriv S/o Ravanrao Borule,
Age:- 39 years, Occ. Agril,
R/o Savargaon, Tq. Deoni,
Dist. Latur.
4. Sunil S/o Ganpatrao Sawale,
Age:- Major, Occ. Agril,
R/o Shrinagar Colony, Bidar Road, Udgir,
Tq. Udgir, Dist. Latur.

... RESPONDENTS

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Mr. Dhanaji S. Kudle, Advocate for Applicants.

Mr. R. B. Bagul, APP for Respondent / State.

Mr. Pradeep V. Ambade, for Respondent No.2.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 05th January, 2021.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 The present proceeding is filed for relief of quashing of FIR No.155 of 2019, registered with Devni @ Deoni Police Station, District Latur, for the offences punishable under Sections 420, 468, 471 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Gramsevak of village Sawargaon, Tahsil Deoni. The report was given on 13th August, 2019 and in the report it is contended that it was brought to the notice of Village Panchayat that one no objection certificate of the Village Panchayat was forged and it was used in the office of the Assistant Charity Commissioner for registration of trust by name "Udheshwar Mahadeo Mandir Trust". He has contended that resolution was passed by the Village Panchayat in view of the submissions made by the Gramsevak that he had not signed on the certificate to take action for preparation of such bogus no objection certificate. It is contended that though such decision was taken on 8th March, 2019, on 26th April, 2019 in *Tanta Mukti* committee's discussion, the matter was settled and so accordingly no action was taken. It is contended that as allegations were made in respect of inaction of the Village Panchayat, the Chief Executive Officer of Zilla Parishad Latur had given direction to him to give report against the trustees of aforesaid temple trust and so he has given the report.

4 The present proceeding is filed by as many as ten persons, who appear to be trustees of the aforesaid trust. In the record, there is a copy of application given to the then Guardian Minister of Latur District by one Sugriv and on that application order was made by the Honourable Minister to take action immediately. Prayer was made for giving direction to see that registration of the trust is cancelled as bogus no objection certificate was used for registration of the trust. The submissions made show that for management of the aforesaid trust, there is some dispute between the two sides. The submissions made and the record show that on 15th December, 2018 certificate of registration came to be issued by the office of Deputy Charity Commissioner, Latur in favour of the aforesaid trust.

5 The so-called no objection certificate shows that it was a routine matter and it was to be informed to the trust office that the Village Panchayat has no objection for registration of the said trust. A temple was to be registered as property of trust and for that such no objection certificate was required. If we see the definition of forgery given in Section 463 of the Indian Penal Code, we can see that for commission of offence of forgery some ingredients are required to be

there and one of the ingredient is causing damage or injury to other. In the present matter, no such damage or injury was caused to anybody if at all such no objection certificate was prepared by somebody for its production in the office of the Deputy Charity Commissioner. It is clear that due to some dispute in the management and the dispute of office bearers of Village Panchayat with the persons, who took steps for registration of trust, the Village Panchayat subsequently wanted to take action. This Court holds that it will be abuse of process of law to direct the present Applicants to face the trial for aforesaid offences. The registration of the crime appears to be due to some political motive and there are all probabilities. In the result, the following order is passed:

ORDER

- I. The applicable is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]