

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 138 OF 2021

(Dinesh s/o Ratansi Halpani ..vs.. State of Maharashtra, through PSO, PS Kalamna, Nagpur)

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

Court's or Judge's orders

Mr. N.V. Fulzele, Counsel for the applicant,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 06-04-2021

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending arrest in Crime 110/2018 registered with Police Station Kalamna, Nagpur for offences punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code.

3. The submission is that the events on the basis of which the applicant is implicated have occurred in 1998 and 2001, even if the report is taken at face value.

4. The further submission is that the transaction and the dispute, assuming that there be a dispute, is purely civil.

5. I have perused the contents of the first information report, which is lodged on 05-2-2018 and

the investigation papers.

6. The complainant claims to have purchased 0.66 Hectare land from Shyamrao Kachore in the year 2004. The complainant alleges that in the application preferred by Jivrajbhai Patel, the President of the Umia Audyogik Sahakari Vasahat Maryadit, Kapsi to the Nagpur Improvement Trust and the Town Planning Department, for developing industrial area and transport plaza, the land owned by the applicant is shown to be included in the society's land. The complainant claims to have received such information on 16-9-2015. Inquiries revealed that the claim of the society is on the basis of agreements dated 19-1-1998 and 04-1-2001 allegedly executed by Jivrajbhai Patel and Babubhai Patel. It is further alleged that the said Shyamrao Kachore claimed that he did not enter into any agreement concerning the said land. The complainant alleges that the applicant, who is the Chief Promoter of the Umia Audyogik Sahakari Vasahat Maryadit, Kapsi and others acted hand in glove and attempted to grab the applicant's land on the basis of fraudulent agreements.

7. In my considered view, the grievance is made grossly belatedly. Even if it is assumed that the complainant learnt certain things in 2015, the report is lodged in the year 2018. Moreover, the dispute is essentially civil in nature.

8. The interim protection granted vide order dated 05-3-2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station, as and when required.

JUDGE

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Prafulla
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