

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

CRIMINAL APPLICATION (ABA) NO.537/2021

Sau. Sarika Sandip Ghuguskar,

-VERSUS-

State of Maharashtra through Police Station Officer, Police Station Jaripatka, Nagpur (City),
District Nagpur.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M. Patwardhan, Advocate for applicant.
Shri A.M. Deshpande, Addl.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 26, 2021.

Heard.

2. Perused police report and case papers. It is informant's case that though applicant's father Kashinath Sonwane (deceased) has sold his immovable property to her on 10/01/2013 by registered sale-deed still in the year 2014 and 2017. Applicant entered into an agreement to sale the same property with third party.

3. The applicant's learned Counsel would submit that dispute is totally of civil nature for which civil suit has already been filed. For this purpose, she has produced a copy of Civil Suit (RCS) No.527/2016 filed much prior to the police report. In said suit, applicant and her father had sought a decree of cancellation

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of sale-deed dated 10/01/2013 on account of fraud. On such background, prima facie it is evident that the dispute is predominantly of civil nature. The offence is very old of the year 2018 based on the documentary evidence. There is no need of custodial interrogation. In view of that applicant is entitled for pre-arrest protection. Hence the following order:

- i) Application stands allowed.
- ii) Ad-interim order dated 24/08/2021 is hereby made absolute upon same terms and conditions.
- iii) Henceforth, applicant shall attend concerned police station as and when called.

JUDGE

R.S. Sahare