

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO.970 OF 2022**

SHIVAJI RAMBHAU BANGAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. B.N. Patil  
APP for Respondents: Mr. B.V. Virdhe

...  
**CORAM : MANGESH S. PATIL AND  
ABHAY S. WAGHWASE, JJ.**

**DATE : 13.10.2022**

**PER COURT :**

Learned advocate for the petitioner undertakes to remove the office objections by the next date.

2. The petitioner is seeking registration of crime and initiation of investigation as against the respondent Nos.2 to 4.

3. The learned advocate for the petitioner submits that the respondent No.5 had initially agreed to sell her property and entered into an agreement of sale. She subsequently extorted additional sums from the petitioner and after long persuasion he was able to get the sale deed executed and registered. However, she falsely filed a suit for cancellation of the sale deed and thereby has deceived him in entering into the transaction and has made him to part with money. *Prima facie*, the offence of cheating is made out. A complaint was filed with the Commissioner of police but it has not been entertained.

4. We have carefully gone through the averments in the petition and the papers. Even according to the petitioner, the respondent No.5 had filed a suit for cancellation of sale deed. The suit was decreed. The petitioner challenged the decree by preferring an appeal before the district court and even that has been dismissed. He has filed a second appeal which is pending. If such is the state of affairs, we are afraid, the dispute seems to have all the drappings of a civil dispute rather than smacks of any criminality.

5. When according to the petitioner pursuant to the agreement of sale even the respondent No.5 executed the sale deed, the transaction cannot be said to be a deception making him part with money. If and for what reason her prayer for cancellation of the sale deed has been allowed cannot be gone into and scrutinized in the matter in hand.

6. Needless to state that the dispute is before this Court in the form of a second appeal and would reach a logical and legal conclusion. We do not see *prima facie* any ingredients for the offences of cheating and forgery.

7. The Writ Petition is dismissed.

**(ABHAY S. WAGHWASE, J.)**

**(MANGESH S. PATIL, J.)**