

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

WRIT PETITION NO. 1221 OF 2022

Sitabai Sadashiv Hagawane and anr. ...Petitioners

Versus

The State of Maharashtra & ors. ...Respondents

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Mr. Rohan Surve, a/w Munal Niak, for the Petitioners.

Mr. S. R. Agarkar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 26th APRIL, 2022

PC:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order passed by the learned Additional Sessions Judge-14, Pune, in Criminal Revision Application No.589 of 2018, whereby the learned Additional Sessions Judge interfered with the order of issue of process passed by the learned Judicial Magistrate, First Class, Pimpri, in RCC No.114 of 2016, and quashed and set aside the said order of issue of process and dismissed the complaint.
3. The learned Counsel for the petitioners submitted that the Revisional Court exceeded the jurisdiction and approached the question as if the Revisional Court was deciding an appeal against the order passed by the learned Magistrate.

4. The facts of the case are quite simple. The petitioners – original complainants are the daughters of Rangubai – respondent no.1/original accused no.1. Dispute pertains to the agricultural lands situated at village Dehu, Taluka Haveli, District Pune. It is the claim of the petitioners that the said property was originally owned by Kondiba Mavkar. After his demise, Manjulabai Kondiba Mavkar, the grandmother of the petitioners inherited the said property. Manjulabai passed away on 20th July, 1998. After the death of the Manjulabai the name of respondent no.2 Rangubai and one Babutai Sakharam Bhase came to be recorded in the record of rights of the said lands. On 11th March, 2021, the said Babutai relinquished her share in the said lands in favour of respondent no.2 Rangubai. The petitioner alleged that respondent no.1 has executed a registered gift deed in favour of respondent nos.2, 3 and 4 and thereby committed the offences punishable under Sections 420 and 468 of the Indian Penal Code, 1860 (“the IPC”).

5. The Revisional Court considered the allegations in the complaint and the material on record. The Revisional Court found that during the lifetime of accused no.1, the petitioners have no interest in the said property. It was further noted that a suit instituted by petitioner no.1 and other seeking partition of

the said property, being RCS No.274/2017, came to be disposed of by rejecting the plaint, as it did not disclose any cause of action.

6. The Revisional Court thus held that no *prima facie* offence of cheating was made out. The finding of the Revisional Court is impeccable. The Revisional Court has rightly exercised the jurisdiction to correct the mistake in which the learned Magistrate had fallen into.

7. Hence, no case for exercise of extraordinary writ jurisdiction is made out.

8. The petition stands dismissed.

[N. J. JAMADAR, J.]