

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

CRIMINAL APPLICATION NO. 334 of 2023

Jalindar Shivaji Ghodake & Ors. ... Applicants
v/s.
The State of Maharashtra & Anr. ... Respondents

Dr. Uday P. Warunjikar for the Applicants.
Mr Mohansinh Rajput for the Respondent No. 2.
Mr K. V. Saste, APP for the Respondent-State.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 7th AUGUST, 2023

P.C.:

1. The Applicants are charge-sheeted for the offence punishable u/s 120(B), 417, 465, 467, 420, 468 & 471 of IPC pursuant to the complaint lodged by the Respondent No. 2/Complainant.
2. Parvati, wife of Shankar Patole, claimed to have expired on 19/04/2021. She allegedly executed a registered sale deed with all the Applicants on 24/03/2021. The Respondent No. 2 claims to be a tenant over the property and is litigating in relation to the property of the deceased-Parvati, who has tendered the consent Affidavit dated 08/03/2023 through his lawyer stating that the differences between him and the Applicants are amicably resolved

and he has insisted the Applicants to move an Application for quashing so as to facilitate him to extend the consent. The contents of the Consent Affidavit are duly explained to the Respondent/Complainant and the Respondent/Complainant who is present in the Court admits to the same.

3. As such, it is jointly claimed by learned Counsel for the Applicants and learned Counsel for the Respondent/Complainant that the differences which were out of misunderstanding are resolved and as such, the offence referred above be quashed.

4. While resisting the aforesaid claim of the Respondent/Complainant on instructions from the Investigating Officer, learned APP informs that in relation to the death of the deceased-Parvati two death certificates are available, one dated 12/05/2005 viz. her death to be certified on 11/05/2005 and another death certificate produced with the present proceedings and the charge-sheet at page 242 certifying her death as on 17/04/2021. The said death certificate is issued on 19/04/2021.

5. In this background, learned APP submits that both these death certificates are required to be looked into before accepting the case of the parties hereto.

6. In the aforesaid background as there exists two death

certificates of deceased-Parvati, we are not inclined to cause indulgence as has been jointly prayed.

7. We dispose of the present proceedings, with liberty to the Applicants to take recourse of such remedy including that of discharge, which prayer, if so, moved be decided without being influenced by the disposal of the present Application.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)