



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1021 CRIMINAL WRIT PETITION NO. 1632 OF 2018

SACHIN S/O. RAJENDRA KHADKE
VERSUS
BASWESHWAR S/O. NAGNATH UMBRE AND OTHERS

...
Advocate for the Petitioner : Mr. Deshmukh Prashant K.
APP for Respondent/s-State : Ms. S. S. Joshi.
...

CORAM : S. G. MEHARE, J.
DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the petitioner and learned counsel for the respondent-State.
2. The petitioner has a case that he had purchased 1 H. 58 R. land from the respondent by registered sale deed out of the total land of 1 H. 92 R., from the field Survey Nos.206 and 207. Subsequent to his purchase, respondent No.1 sold 54 R. land to a third person. The contention of the petitioner was that respondent No.1 has sold excess land of 20 R. to the subsequent purchaser. Therefore, a fraud has been played with him and the document has been forged.
3. The learned counsel for the petitioner submits that if in future the subsequent purchaser claim the right against him

and if the civil dispute arose, the Court would ask him why he did not file a complaint. Hence, he had filed the complaint. What would happen in future is not the question to be considered in advance. Considering the submissions and the allegations levelled against respondent No.1, the Court is of the view that no case was made out against him. The petitioner appears not cheated and his rights are not affected. He is enjoying the land which he has purchased. There is absolutely no material before the learned Judicial Magistrate First Class to issue process. The learned Additional Sessions Judge, Osmanabad has correctly quashed and set aside the order of issue process against respondent No.1. The impugned order is free from errors and infirmity. No apparent error has been committed on the face of record by the learned Additional Sessions Judge, Osmanabad.

4. The petition devoid of merits. Hence, stands dismissed.
5. No order as to costs.

(S. G. MEHARE, J.)

...

vmk/-