



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

CRIMINAL WRIT PETITION NO.448 OF 2024

Narmada Premchand Gupta (Dead) through LR's

.vs.

Sajal Subhashchandra Barterte and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Shaharukh Sheikh, Advocate for the petitioners
Mr A. S. Deshpande, Advocate for respondent No.1
Mr Abhishek Zade, Advocate for respondent Nos. 3 and 4

CORAM : G.A. SANAP J.

DATE : DECEMBER 11, 2024

Heard learned Advocate for the petitioners and
learned Advocates for the respondents. Perused the record
and proceedings.

2. In this writ petition, challenge is to the order
dated 15.02.2024 passed by the learned Additional
Sessions Judge, Darwah, Distt. Yavatmal. Learned
Additional Sessions Judge, Darwah, by this order, rejected
the revision filed by the petitioners challenging the order
dated 01.09.2022 passed by the Judicial Magistrate First
Class, Digras. The petitioners had filed an application
under Section 156(3) of the Code of Criminal Procedure
(for short 'the Cr.P.C.') and prayed for investigation in the
allegations made in the complaint. Learned Magistrate,
on going through the record, recorded his *prima facie*

observation that the material is not sufficient to direct the police to register the FIR and carry out the investigation. Learned Magistrate has passed the detailed order. This order was challenged in the revision. Learned Additional Sessions Judge, Darwah recorded his agreement with the observations made by the learned Magistrate and dismissed the revision application.

3. It is to be noted that a dispute is pending before the Civil Court. In the civil suit, the petitioners have prayed for cancellation of the sale deeds. The basic contention of the petitioners is that the accused persons, taking the advantage of the old age of Benibai, prepared the false sale deeds. The sale deeds are registered. It is to be noted that the Courts below have properly appreciated the controversy in the context of the prayer made under Section 156(3) of the Cr.P.C. The application made under Section 156(3) of the Cr.P.C. was dismissed. In my view, the reasoned order passed by the Magistrate and confirmed in revision by the learned Additional Sessions Judge, does not suffer from any perversity. Therefore, I do not see any reason to accept the submission advanced on behalf of the petitioners. Accordingly, the writ petition stands **dismissed**.

4. However, in the facts and circumstances, it is made clear that the petitioner can explore the possibility of filing the private complaint in accordance with the law.

5. The writ petition stands **disposed of**, accordingly. Pending applications, if any, also stand disposed of.

(G. A. SANAP, J)

Namrata