



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

CRIMINAL APPLICATION (ABA) NO.608 OF 2024

(Krishnakumar s/o Rajaramsingh Gautam and ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. J.M. Gandhi, Advocate for the applicants.
Mr. S.A. Ashirgade, Addl.PP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 30, 2024

Apprehending the arrest at the hands of police in connection with Crime No.655/2023 registered with Police Station Kuhi, District – Nagpur, for the offence punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, the applicants approached to this Court for grant of pre-arrest bail.

2. The first informant is the sister of the present applicants namely Sheela Madansingh Chandel who has lodged the report alleging that the applicants have prepared a relinquishment deed pertaining to the ancestral property situated at Mouza Hetameti by forging their signatures and by impersonating the purchaser by producing two unknown ladies before the registering authorities and sold out the property which is ancestral property. On the basis of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that apparently the dispute appears to be of a civil nature.

He also placed on record the copy of the plaint showing that one of the legal heir has already filed a civil suit against the present applicants which is pending wherein the share in the said suit property was claimed. He also invited my attention towards the prayer clause which shows that the suit was filed for the partition. Thus, entire issue revolves around the document i.e. relinquishment deed as well as the sale-deed, therefore, the custodial interrogation of the present applicants is not required as the documents are already in possession of the investigating agency. Moreover, the nature of the occurrence appears to be the civil rights of the parties. In support of his contention he placed reliance on the decision of the Hon'ble Apex Court in ***Sardar Ali Khan Vs. State of Uttar Pradesh thr. Principal Secretary Home Department and anr. [AIR 2020 SC 626]*** and ***Rajeshbhai Muljibhai Patel and ors. Vs. State of Gujarat and anr. [(2020) 2 SCC (Cri) 239]*** wherein the Hon'ble Apex Court has considered that complaint filed alleging forgery and impersonation regarding validity of sale-deed. Pending civil suit for cancellation of sale deed. Having regard to serious factual disputes which are of civil nature. Continuation of criminal proceedings during pendency of civil suit is nothing but an abuse of process of law and proceedings was quashed.

4. Learned APP strongly opposed the application and submitted that as far as the cooperation during the investigation is concerned, the applicants have not

cooperated with the investigating agency. They have not disclosed who are the persons who were present at the time of registration of the relinquishment deed. In view of that, the custodial interrogation of the present applicants is required, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that there was a civil dispute pending between the parties for the partition. Apparently, it reveals that the issue regarding the rights of the parties is involved. The entire issue revolves around the documents which are the registered documents. In view of that, the custodial interrogation of the present applicants is not required. Moreover, the applicants are already directed to attend the concerned police station and to cooperate with the investigating agency. Considering the same, the interim protection granted to the applicants deserves to be confirmed.

6. Hence, the application is allowed. The interim protection granted to the applicants vide order dated 21/08/2024 is hereby confirmed on the same terms and conditions.

7. The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

8. The Investigating Officer shall issue notice in advance to attend the police station and the applicants shall attend the concerned police station.

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*