



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

CRIMINAL WRIT PETITION NO. 187 OF 2024
Sau. Rajashri W/o. Rajendra Pachgade and others
Vs.
Pramod S/o. Ambadasji Pachgade and another

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

Court's or Judge's Order

Shri M. R. Joharapurkar, Advocate for petitioners.

CORAM :- M. W. CHANDWANI, J.

DATED :- 23.02.2024

Heard.

2. The Writ Petition challenges the order dated 21.03.2023 passed in Regular Criminal Case No. 133/2020 by the learned Judicial Magistrate First Class (JMFC), Karanja (Lad) by which process were issued against the petitioners for the offence punishable under Sections 419 and 420 of the Indian Penal Code.

3. The contention is that the complainants/respondents are brothers of the petitioner no. 2. They lodged complaint against the petitioners alleging that Will Deed dated 31.05.1997 executed by Bhagirathibai (mother) and Will dated 03.01.2006 executed by Ambadas (father) of the petitioner no. 2 and respondents are fabricated documents.

4. According to the petitioners, the learned JMFC initially passed the order under Section 202 of the Criminal Procedure Code (CrPC) directing the Police to conduct an enquiry. The Police submitted a report with remark that no offence is made out. The contention is that inspite of the said enquiry report, under Section 202 of the CrPC exonerating the petitioner, the learned JMFC issued the process against the petitioners. It is contended that the petitioner nos. 1, 3 and 4 are not beneficiaries and they are made accused in this case.

5. Issue notice to the respondents, returnable within two weeks.

6. Further proceeding in the trial is stayed till the next date of hearing.

(M. W. CHANDWANI, J.)