



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

CRIMINAL WRIT PETITION No.803 OF 2024

(Shankar s/o. Diwanji Pawde Vs. State of Maharashtra, through its PSO, PS Dhantoli,
Nagpur city)

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

Court's or Judge's orders.

Mr. Anil Mardikar Senior Advocate along with Mr. A.A. Dhawas,
Advocate for petitioner.
Ms. N.P. Mehta, APP for respondent.

CORAM : VINAY JOSHI AND SANJAY A. DESHMUKH, JJ.
DATE : 9th OCTOBER, 2024.

1. Heard.
2. Though the petitioner seeking multiple reliefs, however, the learned Senior Counsel for the petitioner would submit that the petition is restricted to prayer clause (2) only which reads as below :

“Issue a suitable writ, order or direction and further be pleased to direct the respondent to give 72 hours prior intimation to the petitioner before arresting the petitioners in view of complaint lodged by Mr. Pravin Ratanlalji Jain at the Police Station, Dhantoli, Tah. & Distt. Nagpur, in the interest of justice.”

3. The petitioner's learned counsel has stated the brief history about the entire episode. The petitioner has entered into an agreement dated 14.8.2022 to purchase certain piece of land, from the owner/vendor Vatsala.

Since the transaction was not materialized the petitioner has filed the suit for specific performance against Vatsala (Special Suit No.408/2023) in which temporary injunction has been issued on 12.4.2023. In said civil proceeding the petitioner has filed the affidavit of one Pravin Jain stating that if it was found that he has encroached on certain portion then he would surrender the same.

4. It is submitted that Pravin Jain has lodged a report in the month of August 2024 against the petitioner with the Police perhaps alleging that the said affidavit is forged and fabricated document. Obviously, it would be the allegation that by filing forged document and misleading the Court, the order of injunction has been obtained. In pursuance of such report made by Pravin the petitioner was called by Police for the purpose of inquiry. The petitioner has attended the Police Station and supplied necessary information. It is submitted that under the guise of inquiry the petitioner has been repeatedly called without registration of crime, therefore, he seeks for the limited relief.

5. The matter pertains to forgery and using forged document in judicial proceeding. Obviously nothing is to be seized since the questioned document is already a matter of record in civil suit. Having regard to peculiarity facts the petition is disposed in terms of prayer clause (2) which reads as below :

“Issue a suitable writ, order or direction and further be pleased to direct the respondent to give 72 hours prior intimation to the

petitioner before arresting the petitioners in view of complaint lodged by Mr. Pravin Ratanlalji Jain at the Police Station, Dhantoli, Tah. & Distt. Nagpur, in the interest of justice.”

6. The petition stands disposed in above terms.
7. All contentions raised in the petition are kept open.
8. The petition stands disposed in above terms.

(SANJAY A. DESHMUKH, J.)

(VINAY JOSHI, J.)