



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**CRIMINAL APPLICATION APL NO.1008 OF 2024**  
MR. DILIP S/O BARATILAL JAISWAL AND ANOTHER  
VERSUS

THE STATE OF MAHARASHTRA THR. PSO PS AJNI NAGPUR AND ANOTHER

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

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Mr. S. Bhandarkar, Advocate for the applicant/s  
Mr. Phasate, APP for the State  
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**CORAM: VINAY JOSHI AND ABHAY J. MANTRI, JJ.**  
**DATED : 22/10/2024.**

1 Heard.

2 By this application, the applicants are seeking to quash First Information Report vide Crime No.95/2024 registered with Police Station Ajni, District : Nagpur City, for the offence punishable under Sections 420, 465, 467, 468, 471, 506(2), 504 and read with Section 34 of the Indian Penal Code.

3 It is informant's case that his father has purchased a piece of land in the year 1998 from the Cooperative Society, which was assigned to him by his father on 03.12.2015. The informant contended that despite he being owner, by fabricating false document i.e. sale deed of the year 2009, the applicant No.1-Dilip is claiming ownership and trying to encroach the plot. It is alleged that the applicant No.2-Ajay facilitated Dilip along with some other persons and therefore, the report.

4 The learned counsel for the applicant would submit that the applicant No.1 is a *bona fide* purchaser and he has purchased the said plot in the year 2009 from the Co-operative Society under the

registered instrument. It is particularly brought to our notice that the said informant has also filed a civil suit in the year 2018 seeking declaration and injunction. Precisely it is applicants' case that dispute is of civil nature and therefore, the criminal prosecution may not lie.

5 Issue notice to the non-applicants, returnable **after six weeks**.

6 The learned APP waives service of notice for the State.

7 In the meantime, investigation may go on, but charge-sheet shall not be filed without obtaining leave of this Court.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)