



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

CRIMINAL WRIT PETITION NO. 195 OF 2024

Sachin Vasantrao Gadiwar and anr.

Vs.

State of Maharashtra, Thru. PSO, PS Bhis, Tah. Chimur, Dist. Chandrapur and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Anil A. Dhawas, Advocate for petitioners.

Mr. I.J. Damle, APP for respondent No.1.

Mr. P. D. Sharma, Advocate for respondent Nos.2 to 4.

**CORAM : VINAY JOSHI, AND
SMT.VRUSHALI V.JOSHI, JJ.**

DATE : 04.03.2024

Heard.

2. This petition is filed by the petitioners seeking to quash FIR in Crime No.175/2023 registered with Police Station Bhis, District – Chandrapur, for the offence punishable under Sections 420, 466, 468, 472, 473, 474, 475, 476 of the Indian Penal Code.

3. It is the informants' case that on 23.03.2005 their mother has executed an agreement in favour of petitioners, however, sale-deed was not

executed. The petitioners have filed a suit for specific performance bearing Special Civil Suit No.142/2008, in which, as a part of evidence, petitioners have filed one copy of application dated 03.03.2006 allegedly filed before the Office of Sub-Registrar. The said application was filed in Civil Suit as an evidence in support of the suit for specific performance. Rather the said document was filed to show the readiness and willingness.

4. It is the informants' case that after obtaining necessary information under the Right to Information Act, he came to understand that the said application was forged and fabricated and therefore, the report. Since the police did not take cognizance, the informant had approached to the Magistrate, who in turn passed an order under Section 156(3) which of the Court, which resulted into registration of a crime.

5. It is the petitioners' case that the impugned document dated 03.03.2006, was already filed in a Special Civil Suit long back in the year 2008, meaning thereby it was within the knowledge of the informant. The suit for specific performance was decreed and it has been confirmed upto the

Supreme Court and now, only to put a resistance to the execution, a false report has been lodged.

6. Issue notice for final disposal to the respondents, returnable on **02.04.2024**.

7. Mr. Damle, learned APP waives service of notice on behalf of respondent No.1.

8. Mr. Sharma, learned counsel waives service of notice on behalf of respondent Nos.2 to 4.

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

(SMT. VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)