



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CRIMINAL WRIT PETITION NO. 528 OF 2022

1. Chandrakant s/o. Vitthalrao Dudile
Age : 57 years, Occ. : Agriculture,
R/o. : Om apartment, Block No.104,
Vivekanand Chowk, Latur, Dist. Latur

PETITIONER

VERSUS

1. Anil Vitthalrao Dudile
Age : 59 years, Occ. : Agriculture,
R/o. : Tilak Nagar, Latur, Tq. & Dist. Latur
2. State of Maharashtra
Through Police Inspector,
Shivaji Nagar Police Station,
Latur

RESPONDENTS

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Mr. Vinod D. Godbharle – Advocate for Petitioner
Mr. V.M. Chate – APP for Respondent No.2, State

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 13.11.2025

ORDER :

1. Heard.
2. The petitioner has raised an exception to the judgment and order dated 19.07.2016 rendered by the learned Additional Session Judge, Latur in Criminal Revision No.16/2015 *vis-a-vis* the judgment and order dated 10.11.2014 rendered by the learned Judicial Magistrate First Class, Latur (*“learned J.M.F.C.”* for short) in R.C.C. No.288/2013.

3. It is a matter of record that the entry effected in the revenue record, on the strength of which the present proceedings are initiated, is of the year 1987. However, the assertions is raised for the first time in the complaint filed in the year 2013. The petitioner/original complainant approached the learned J.M.F.C. seeking directions under Section 156(3) of the Code of Criminal Procedure (*“the Cr.P.C.”* for short), pursuant to which an order under Section 156(3) of the Cr.P.C. was passed by the learned Magistrate directing to carry out the inquiry by police.

4. Resultantly, investigation was carried out by the police and “B” summary report was filed, which came to be accepted by the learned J.M.F.C. Upon such notice, the original complainant/petitioner raised an objection and prayed for re–investigation of the case. However, the prayer of the petitioner was rejected and the final summary report was accepted by order dated 10.11.2014 passed by the learned J.M.F.C.

5. Aggrieved by the same, the petitioner approached the learned Additional Session Judge, Latur, who dismissed the revision and endorsed the order passed by the learned J.M.F.C. Hence, this petition is presented under Article 227 of the Constitution of India.

6. Learned Counsel for the petitioner submits that the date of sale of stamp is fabricated and the said fact is fortified by the extract of sale register of stamp vendor, which shows that the stamp was sold in the

month of April, 1987, whereas the partition deed is executed in the month of March, 1987. It is further submitted that it was for the investigating officer to collect the fabricated partition deed from respondent No.1. The original copy of the partition deed must have remained with respondent No.1, which the investigating officer has failed to recover. It is thus contended that the Courts below have erred in passing the orders under challenge and ought to have directed re-investigation. Hence, prayed to allow the petition.

7. Heard the learned A.P.P. and perused the record.

8. Admittedly, the document in question *vis-a-vis* sale deed pertains to the year 1987 and the consequential mutation entries in the record of rights is effected on 10.04.1987. Moreover, it was the application of the petitioner, the concerned Talathi has recorded further mutation entry on 11.06.1995. In the said mutation entry, reference is made to the subject land i.e. land bearing gut No.102 having area 2 H 66 R, which indicates that the complainant was aware about the same.

9. Apart from afore stated aspect, there are instances indicating the complainant has approached various authorities in relation to the subject land i.e. before the learned J.M.F.C., Chakur in M.A. No. 16/2006 dated 23.03.2006 and the co-operative Court, Nanded in the year 2011. Thus, the assertions in the complaint, being raised for the first time in the year

2013, whereas the complaint is filed in the year 2015 is unacceptable and same is an attempt to confer the cloak of criminality to civil dispute.

10. Nevertheless, the issue of the alleged fabricated document is of the year 1987, whereas the complaint is presented after a prolonged delay of 28 years i.e. in the year 2015 without offering any just and sufficient cause.

11. In any case, the Civil Court has already adjudicated the matter and the rights in respect of record have crystallised. As such, no case is made out by the petitioner warranting interference by this Court. Hence, the present petition does not warrant any consideration.

12. Resultantly, the petition is devoid of merit and the same is accordingly, dismissed.

[SACHIN S. DESHMUKH]
JUDGE