



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

38 CRIMINAL APPLICATION NO. 1559 OF 2024

ANIRUDHA KRUSHNARAO KULKARNI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. N.S. Shah h/f Mr. Patil Swapnil
Shashikant

APP for Respondent No. 1/State : Mr.N.R.Dayama

...

CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.

DATE : 04.07.2025

PER COURT :

1. The present application has been filed for quashment of the proceeding bearing RCC No. 700 of 2023 pending before the learned Judicial Magistrate, First Class, Jalgaon, arising out of the FIR vide Crime No. 128 of 2023, registered with Jalgaon City Police Station, Jalgaon, for the offence punishable under Sections 420, 465, 467, 469, 471 read with 34 of the Indian Penal Code.
2. Heard learned Advocate for the applicants and learned APP for respondent No. 1.
3. Respondent No. 2 though served, failed to appear.
4. After disinclination is shown to grant any relief to applicant No. 1, 4 and 5, learned Advocate for the applicants, upon instructions, seeks to withdraw application to the extent of applicant Nos. 1, 4 and 5.
5. The matter to proceed for the reliefs claimed on behalf of applicant Nos. 2 and 3.

6. Applicant No. 2 is wife of applicant No. 1 and applicant No. 3 is son of applicant Nos. 1 and 2.

7. Perusal of entire charge-sheet and FIR, would show that it is revolving around the agreement to sale alleged to have been executed by the informant on 10.07.2007 in favour of applicant No. 1. The informant states that said document is forged and fabricated. In the entire charge-sheet no specific role has been attributed to applicant Nos. 2 and 3 and even in the statements of witnesses also no role has been attributed to them, in connection with execution of the said document. Under such circumstances, without going into further details a case is made out to exercise powers under Section 482 of Cr.P.C. in favour of applicant Nos. 2 & 3. Hence, we proceed to pass following order :

ORDER

- (i) The application is partly allowed.
- (ii) Application stands dismissed as withdrawn against applicant Nos. 1, 4 & 5.
- (iii) Application stands allowed and disposed off in respect of applicant Nos. 2 & 3.
- (iv) The proceeding bearing RCC No. 700 of 2023, pending on the file of learned Judicial Magistrate, First Class, Jalgaon, for the offence punishable under Section 420, 465, 467, 468, 469, 471 r/w 34 of IPC stands quashed and set aside against applicant Nos. 2 and 3.

(SANJAY A. DESHMUKH)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE