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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.836 OF 2018
(Lalit s/o Ashok Talreja Vs. The State of Maharashtra and others)

Mr.Anil H.Kasliwal, Advocate for the petitioner.
Mrs. A.S.Mantri, APP for the respondent/State.
Mr.Swapnil S.Rathi, Advocate for respondent Nos. 2, 3 and 6.
Mr.P.N.Kalani, Advocate for respondent Nos. 4 and 5.

(CORAM : SUSHIL M. GHODESWAR, J.)

RESERVED ON : 02.12.2025
PRONOUNCED ON : 19.12.2025

PER COURT :

1. The petitioner has challenged the impugned orders passed by the learned Trial Court dated 25.01.2018 in Misc.Criminal Application No.424/2017, rejecting the application filed by the complainant under Section 156(3) of the Cr.P.C. by the learned 3rd J.M.F.C.Parbhani and the judgment dated 18.04.2018/07.05.2018 passed by the learned Additional Sessions Judge, Parbhani, in Cri.Revision Application No.22/2018, confirming the order of the learned J.M.F.C. and prayed to quash and set aside the same.

2. According to the petitioner, he had filed the complaint

before the Nava Mondha Police Station under Sections 406, 420, 467, 468, 471 r/w 34 of the IPC, against the accused persons/present respondent Nos. 2 to 6 alleging that initially accused No.1 had agreed to execute the sale deed in his favour, however, the said accused person transferred the property in the name of his wife and other accused persons by way of Gift Deed dated 28.09.2016. All the accused persons are near relatives and therefore such transfer amounts to cheating and therefore, he approached initially to the Police and since the Police did not take cognizance, he has approached the learned J.M.F.C., by filing Cri.M.C.A. No.424/2017 for taking action against the respondents / accused u/s 156(3) of the Cr.P.C.

3. The learned J.M.F.C. vide it's order dated 25.01.2018, was pleased to reject his application thereby disposing the Cri.M.A.No.424/2017. According to the learned J.M.F.C., the ingredients under Section 420, 406, 468 and 470 of the IPC are not attracted, as the dispute between the parties is purely of civil nature. The said order was challenged by the petitioner before the learned Sessions Court u/s 397 of the Cr.P.C. by filing Cri.Revision No.22/2018. Vide it's order, the learned Additional Sessions Judge, Parbhani pleased

to observe that the agreement dated 12.09.2013 executed in favour of the petitioner is in relation to the immovable property situated at Parbhani, and the dispute between the parties is absolutely of civil nature and an appropriate remedy is available for the redressal of his grievance. Moreover, the learned Additional Sessions Judge has also observed in it's order that the petitioner/complainant has not mentioned in his complaint about as to how the other accused cheated him and therefore it is observed that the order passed by the learned J.M.F.C. is correct and proper and requires no interference.

4. After going through the order passed by the Sub-Ordinate Courts, it is crystal clear that there is absolutely a pure civil dispute between the parties. The impugned orders are correct and proper. Also, no valid and strong grounds for interference are made out.

5. In that view of the matter, the instant petition is rejected. No order as to costs. Petition is disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)