



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL APPLICATION NO.2541 OF 2023

- 1 Mohd. Abdul Nadeem Mohd. Abdul Naeem,
Age 48 yrs., Occ. Business,
R/o Kuccharota, Old Jalna,
Tq. & Dist. Jalna.
- 2 Siddiqui Jarina Begam Abdul Naeem,
Age 55 yrs., Occ. Household,
R/o House No.2-9-11, Pani Ves,
Kadrabad, New Jalna,
Tq. & Dist. Jalna.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Inspector,
Taluka Jalna Police Station,
Tq. & Dist. Jalna.
- 2 Kalpana w/o Ramniwas Gaud,
Age 60 yrs., Occ. Household,
R/o Bharatnagar, New Jalna,
Tq. & Dist. Jalna.

... Respondents

...

Mr. Suvidh S. Kulkarni, Advocate for applicants
Mr. V.K. Kotecha, APP for respondent No.1
Mr. Y.B. Bolkar, Advocate for respondent No.2

...

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

DATE : 18th AUGUST, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashment of First Information Report vide Crime No.119/2023 dated 01.03.2023 registered with Taluka Jalna Police Station, Dist. Jalna, for the offence punishable under Sections 420, 466, 468, 471 read with Section 34 of the Indian Penal Code, 1860 and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.281/2025 pending before learned Judicial Magistrate First Class, Jalna.

2 Learned Advocate appearing for applicants submits the photo copy of death certificate of applicant No.1. It is stated that he expired on 23.06.2024. Under such circumstance, the application stands **disposed of** as abated as against applicant No.1 and, therefore, matter to proceed for the reliefs claimed by applicant No.2.

3 Heard learned Advocate Mr. Suvidh S. Kulkarni for applicant No.2, learned APP Mr. V.K. Kotecha for respondent No.1 and learned Advocate Mr. Y.B. Bolkar for respondent No.2.

4 Learned Advocate appearing for applicant No.2 submits that as

per First Information Report, informant states that she had purchased area admeasuring 270 sq.mtrs. from CTS No.11408/34, plot No.20 on 31.03.1993 from father of present applicant No.1 in the capacity as partner of Gajanan Plots and Housing Sales Corporation. In 2016 she had given an application to office of Land Records for PR Card and it was noted that plot stood in the name of Gajanan Plots. Again copy of PR card was taken on 25.04.2019. At that time it was noted that as per the partition deed name of one Prashant Madhukar Kulkarni was written. Again without any proceeding name of said Prashant Kulkarni came to be deleted and on the basis of partition deed name of applicant No.2 came to be registered. On the basis of fabricated document present applicant No.2 sold property to one Prem Kishor Peshwani on 18.05.2022. Thereafter, said Prem Kishor Peshwani sold the plot to one Anant Dattatraya Lahure and Shivkanya Lahure and on 30.06.2022 to Shrikrishna Ramkrishna Raut and Gajanan Kondiba Jagtap. Thus, the plot No.20 has been sold without the consent of informant since 17.10.2015 to 30.06.2022. Thus, it can be seen that there is inordinate delay in lodging First Information Report. Learned Advocate for applicant No.2 relies on the list given by Gajanan Plots and Housing Sales Corporation on 03.07.1991 to Collector, Jalna, wherein allotment of plots from Sy.No.469 was informed and plot No.20 was shown to be in the name of present applicant No.2. Therefore, since beginning present applicant No.2 is the owner of said

property. She has been falsely implicated in the matter.

5 Per contra, learned APP for respondent No.1 and learned Advocate for respondent No.2 strongly opposed the application and submitted that there was no sanctioned layout of the plot, but original applicant No.1 and other partners appeared to have divided the entire land into plots as per their choice and then sold it. There cannot be a denial of the sale deed that was executed on 30.06.1993 in respect of plot No.20 and boundaries have also been shown by father of present applicant No.1 in his capacity as partner of Gajanan Plots and Housing Sales Corporation to the informant. The Registrar of Firms, Aurangabad has issued a certificate that on 06.04.1984 the Partnership Firm by name M/s. Gajanan Plots and Housing Sales Corporation came into existence with seven partners. Father of present applicant No.1 was one of the partners. Agreement of partnership was then registered. If the said Partnership Firm had given communication to Collector on 03.07.1991 informing the allotment of plot; yet along with the said plot the sanctioned map was not annexed. There could not have been sale of the same plot to anybody else. Statements of witnesses would support the fact that it is not the only informant who has been cheated but others have also been cheated. Therefore, let there be trial.

6 What is appearing from the entire record is that M/s. Gajanan

Plots and Housing Sales Corporation is a registered Partnership Firm. Interestingly, the concept of partition of the Partnership Firm's property at a later point of time was the novel concept that was introduced. Now, that kind of document is produced before the applicants and in the PR card it is then stated that as per the partition deed the name of present applicant No.2 has been mutated. Applicant No.2 is not the partner of the Partnership Firm even if we take the partition deed into consideration for the sake of arguments. Certain plots have been allotted to present applicant No.1 in the capacity as heir of partner deceased Mohd. Abdul Naeem (who was the father of applicant No.1). In case of property of a Partnership Firm it cannot devolve upon the heir of any partner, it would remain the property of the firm. Further, it appears that there was absolutely no sanction to the layout and still the property has been sold. Certainly, certain fabricated documents appeared to have been created and therefore, we do not take this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Application stands rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)