



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

10 CRIMINAL APPLICATION NO. 3185 OF 2025

SHAIKH SALEEM SHAIKH SHABBIR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Mohd. Aseem Mohd. Abdul Kaleem Advocate for Applicant.
Mr. A.D. Wange, A.P.P. for Resp. No.1.
...

CORAM: SMT. VIBHA KANKANWADI AND
SUSHIL M. GHODESWAR, JJ.

DATE : 26th AUGUST 2025

ORDER :

1. Present application has been filed for quashment of the First Information Report (for short "the FIR") vide Crime No.239 of 2025 dated 13th June 2025, registered with Satara Police Station, District Chhatrapati Sambhajinagar for the offence punishable under Sections- 318(4), 319(2), 336(3), 338, 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Advocate appearing for the applicant has taken us through the FIR and the documents annexed. He submits that the informant states that she has not executed any power of

attorney in favour of co-accused Shaikh Mohammad Riyaz on 4th June 2025. However, the present applicant is coming in picture in view of the agreement to sell which is an unregistered document executed by the power of attorney in favour of the applicant on 10th June 2025. The present applicant has paid earnest amount of Rs.1,00,000/- and as a precaution, had given public notice in daily newspaper through Advocate. The informant had then taken objection stating that she has not executed any such document and therefore, the present applicant had not gone ahead with the transaction. He has rather filed written complaint on 17th June 2025 before the Police Inspector, Satara Police Station and also on the same day to the Commissioner of Police, Chhatrapati Sambhajanagar. He therefore, states that the applicant has not played any active role in cheating or has not created any forged documents nor for impersonating the informant. At the most, as against the applicant a civil dispute would arise which has been tried to be given a cloak of a criminal nature. He relies on the decision in ***Paramjeet Batra vs. State of Uttarakhand and others, 2013(11) SCC 673, Mohd. Ibrahim vs. vs. State of Bihar and another, 2009(8) SCC 751.***

3. At the outset, we would like to say that the investigation in

the matter is at a preliminary stage. Therefore, we go by the allegations in the FIR at this stage. In the FIR, the informant has stated that her father was the owner of plot No.6 admeasuring 2800 Sq. Feet : 260.6 Sq. Meters in Gut No.17 which was from the sanctioned layout of Jai Malhar Gruh Nirman Sanstha, Satara. She states that thereafter the said plot belongs to her. However, she resides at Majiwada, Thane West and hardly comes to plot. She came to know about the public notice issued by the present applicant on 9th June 2025 regarding execution of the agreement in favour of the applicant by Shaikh Mohammad Riyaz. She had then replied to the said notice and denied the fact that she has executed any such document. She has therefore, stated that said Shaikh Mohammad Riyaz taking help of unknown lady, impersonated her and by forging the signature, fabricated the documents. The forgery of the document is in respect of the agreement also. Here it is to be noted that the said power of attorney appears to be a registered document. Certainly it bears the signature, thumb mark and the photograph of the lady and it can be then checked as to whether the informant is a different lady. Now as regards the *bona fides* which have been tried to be posed on behalf of the applicant is concerned, it would be the matter of investigation. The power of

attorney came to be executed on 4th June 2025 and Isar Pavati/Kararnama has been executed on 10th June 2025. No doubt, it appears that the present applicant has given the public notice, but still when it is the matter of investigation, then this Court cannot exercise its powers under Section 482 of the Code of Criminal Procedure or Section 528 of the Bharatiya Nagarik Suraksha Sanhita. Further, it is to be noted that the present applicant when has filed the complaint applications, had made the informant – respondent No.3 herein, as accused and the tenor of the complaint is that present respondent No.3 together with Shaikh Mohammad Riyaz, have cheated him. Therefore, it is necessary to be gone into, who has cheated whom. The Application, therefore, stands rejected at the threshold.

[SUSHIL M. GHODESWAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/AUG25