



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1909 OF 2019

Pawan Kumar Sharma

VERSUS

The State Of Maharashtra And Others

Mr. N. L. Jadhav, Advocate for petitioner

Mr. Shantanu Deshpande, Advocate for respondent Nos. 6 and 7

Mr. V. K. Kotecha, APP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 25th September, 2025

PER COURT :-

1. Present writ petition has been filed for directing the registry of this Court to register F.I.R against respondent Nos. 6 and 7 under Section 177, 181, 182, 183 and 193 of the Indian Penal Code.

2. This Court had passed following order on 06.02.2020.

Learned counsel for the petitioner to satisfy this Court as to how direction claimed can be given when admittedly for so called contempt a proceeding was filed and it was dismissed on merits without taking action against the alleged contempt. Stand over to 28.02.2020.

3. We have heard learned Advocate, Mr. Jadhav for petitioner, learned Advocate, Mr. Deshpande for respondent Nos. 6 and 7 and learned APP, Mr. Kotecha for respondent-State.

4. Learned Advocate for the petitioner submits that the registration of the society was canceled though it was then challenged before this Court in Writ Petition No. 12255/2015. By order dated 18.12.2025, this Court had granted status quo and, therefore, the society was suppose to not to do any such activity which would amount to the activity by the society yet the contemptuous act was done and there was willful disobedience and non compliance of the order dated 18.12.2015. The respondents herein i.e., the petitioners before the Court in Writ Petition No. 12255/2015 under the garb of the interim order continued to carry out the activities in the names of the Co-operative Society thought the contempt petition No. 97/2019 in Writ Petition No. 12255/2015 came to be dismissed by the Hon'ble Single bench of this Court on 06.08.2019. Yet the offence that has been committed is independent act and, therefore, when the orders of this Court are violated, this Court should take the action. He also submit that Writ Petition No. 12255/2015 came to be dismissed by the Hon'ble Single Judge Bench of this Court on 15.04.2025 and a special leave to appeal No. 15646/2025 is pending before the Hon'ble Supreme Court.

5. There appears to be an affidavit-in-reply filed on behalf of respondent Nos. 6 and 7 by Mr. Pradeep Bansidhar Shinde under the capacity as Chairman K.D.R. Farms Co-operative Housing Society.

However, in view of order dated 06.02.2020 today we have heard only learned Advocate for petitioner.

6. Important point to be noted is that the facts disclosed that the present petitioner had purchased plot No. 6 from Gut No. 79 situated at Sharnapur from one Sanjay Joshi who had represented himself to be developer of the said property. Said Mr. Joshi had taken responsibility to provide all the amenities to the purchasers of the plot further they were not provided. It is then the contention of the petitioner that to escape from the liability to fulfill the promises made to the purchasers of the plot the developer in collusion with other ten persons got the society registered under the Maharashtra Co-operative Societies Act, 1960 named as K.D.R. Farms Co-operative Housing Society Ltd. After the knowledge, the petitioner had approached Divisional Joint Registrar of the Co-operative Society and filed the complaint. Thereafter, the Divisional Joint Registrar had canceled the registration of the society vide order dated 31.01.2011. The said order was challenged by one Mr. Pradeep Shinde and Rajendra Kulkarni before Hon'ble Minister by way of revision. The said revision application came to be rejected and the Divisional Joint Registrars orders was confirmed. Thereafter, Mr. Pradeep Shinde and Mr. Rajendra Kulkarni preferred Writ Petition No. 12255/2015 and by order dated 18.12.2015 it appears that this Court had granted

status quo order in contempt petition No. 97/2019 which has been produced on record and perusal of the same would show that Paragraph No. 14 deals with the interpretation of the order of status quo. The concerned Court i.e., Hon'ble Single Bench who had granted status quo was of the opinion that the subsequent conduct is not amounted to willful disobedience of the order passed by the Court and then the Contempt Petition resulted in dismissal. It has been now stated that the present petitioner had approached Hon'ble Supreme Court challenging the order in the Contempt Petition No. 97/2019 and the Hon'ble Supreme Court has rejected the petition and thereby confirmed the order passed by the Hon'ble Single Judge Bench of this Court on 06.08.2019 then with this background there is no question of the facts getting attracted the ingredients of Section 177, 181, 182, 183 and 193 of the Indian Penal Code.

7. The Writ Petition is devoid of merits, stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi