



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

CRIMINAL APPLICATION NO.4385 OF 2024

- 1) Ravikanth Arvind Jadhav,
Age-37 years, Occu:Business,
R/o-Mission Compound, Moglai,
Sakri Road, Dhule,
Taluka and District-Dhule,
- 2) Ashish Avinash Edke,
Age-31 years, Occu:Driver,
R/o-Mission Compound, Moglai,
Sakri Road, Dhule,
Taluka and District-Dhule,
- 3) Shailendra Alhat Levi,
Age-29 years, Occu:Driver,
R/o- H.N. 2-5-20, Kotwalpura,
Barapulla Gate, Mill Corner,
Aurangabad.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) The Police Station Officer,
Dhule City Police Station,
Taluka and District-Dhule,
- 3) Mohammed Abdul Hak,
Age-Major, Occu:Service,
R/o-Haji Hajjan Aishanagar Tower,
Chalisgaon Road, Dhule.

...RESPONDENTS

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Ms. Suvarna M. Zaware Advocate for Applicants.
Mr. G.A. Kulkarni, A.P.P. for Respondent Nos.1 and 2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATE : 21st JANUARY, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashing the charge-sheet and the proceedings in R.C.C. No.539 of 2018 pending before the learned Chief Judicial Magistrate, Dhule arising out of the First Information Report (for short "the FIR") vide Crime No. 33 of 2018 dated 23rd February 2018 registered with Dhule City Police Station, Dhule, for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code and Section 82 of the Indian Registration Act.

2. Heard learned Advocate Ms. Suvarna M. Zaware for the applicants, learned APP Mr. G.A. Kulkarni for respondent Nos.1 and 2. There is no necessity to issue notice to respondent No.3.

3. Perusal of the FIR lodged by respondent No.3 in his official capacity as Assistant Sub-Registrar, Class-II, Dhule, would show that one agent, namely, Shekhar Bhimrao Kure had come to him to get the valuation of a property confirmed, which was in

respect of a property, Plot No.25 from Survey No. 50/2 admeasuring 3240 Square feet, situated at Mahindale and open area admeasuring 305.05 Square meters from City Survey No.2751, on 5th August 2017. The valuation was given, which was for registration of the sale deed. Thereafter said Shekhar Kure brought the vendor and purchaser and also witnesses. One of them told his name as Ravikant Arvind Jadhav, who was the person purchasing the property and another told her name as Kalpana Fedrik Daniel, who was the seller. The witnesses told their names as Ashish Avinash Edke and Shailendra Alhat Levi. Out of them, Ravikant Jadhav, Ashish Edke and Shailendra Levi are before us as applicants. The informant had inspected the documents and registered it around 11.00 a.m. on 5th August 2017. Thereafter the informant had received a letter on 25th October 2017 given by Assistant District Registrar, Class-I, cum Collector of Stamps, Dhule, Mr. K.R. Davange, wherein it was informed that informant should make an inquiry in respect of the said transaction regarding the identity of the seller and the purchaser. He checked the Aadhaar Cards and came to know that Aadhaar Card of Kalpana Fedrik Daniel was fabricated document. Accordingly, he prepared the report and submitted it to superior and then the superior had directed him to lodge the

report. He then states that the Government has been cheated in this matter and there is a fabrication of the documents.

4. It has been tried to be submitted on behalf of the applicants that their documents are correct. Applicant No.1 wanted to purchase plot in the city since about 1 ½ years prior to the sale-deed. He met the agent, namely Iqbal Dollar, who informed him that one Kalpana Fedrik Daniel is willing to sell a plot situated in Mahindale, Dhule. It was also told that she would be selling the property in the lowest price due to need of money. Therefore, applicant No.1 met said Kalpana in presence of agent Iqbal and then gave consideration amount in cash. Then applicant No.1 had approached to Shekhar Kure, who is agent, to do the formalities of the registration. Iqbal was also present in the office of the Sub-Registrar on 5th August 2017. Applicant No.1 called applicant Nos.2 and 3 as witnesses. Applicants were not aware that said Kalpana Fedrik Daniel was a fake person. Applicant No.1 believed in the agent. The applicants have no role to play in arranging the seller and also getting the sale deed executed under the fabricated documents.

5. Now the investigation is complete. The statements of the witnesses have been recorded and the witnesses are the employees working in the Sub-Registrar's office. There is also statement of one Kalpana Ramsing, a medical practitioner, who appears to be residing in Ludhiana, Punjab. She states that her father Dr. Fedrik Jemens Daniel, belongs to Dhule. She had studied in Dhule. Her parents were medical practitioners in Dhule. Her father had purchased those two properties in her name. She got married on 20th February 1983 with Dr. Ramsing, resident of Ludhiana, Punjab. She herself and her husband are practicing in medicine at Ludhiana. Her mother expired on 24th June 1978 in an accident and her father expired on 19th December 1985. After death of her father, she was rarely visiting Dhule. But one person from Dhule, namely, Naresh Damodar, gave phone call to her prior to her statement, stating that there is such fabricated document in her name and thereby sale deed has been got executed by impersonating her, he had made complaint on her behalf and therefore, she should come to see the situation. Due to her busy schedule she could not come immediately but through Police, she came to know about the facts. After going through the registered document of the sale deed, especially containing the photographs of said Kalpana

Daniel, she says that she is not the same person and her Aadhaar Card Number is also different. She has stated that she has not executed that document.

6. It is to be noted that in the pleadings, the applicants have not ruled out that the document of sale deed has been executed by a fake person. But then they want to take a defence that they had no knowledge, which can be only appreciated upon the evidence and therefore, this is not a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure.

7. The Application stands rejected.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JAN25