

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Cri.Writ Petition No.4065 of 2024

Nandkoshor Dhaku Palav

Age 68 yrs, Indian Inhabitant,

r/a 9/7B2, Shivaji Nagar,

Vakola Bridge, Santacruz(E),

Mumbai-55

... Petitioner

Versus

1. The State of Maharashtra

2. Raman Bhalchandra Gawade

Age about 53 yrs, Indian Inhabitant,

r/a 8/C Group, Shivaji Nagar,

Vakola Bridge, Santacruz(E),

Mumbai-55

3. Sandesh Ramesh Khadpe

Age: 50 yrs.Indian Inhabitant,

r/a B1/3/5 Group, Shivaji Nagar,

Vakola Bridge, Santacruz(E),

Mumbai-55

4. Ashok Vasant Redkar

Age: 55 yrs.Indian Inhabitant,

r/a C/7B/9 Shivaji Nagar,

Vakola Bridge, Santacruz (E),

Mumbai-55

5. Sandeep Ganpat Sawant

Age: 35 yrs.Indian Inhabitant,

r/a B2/3/1 Group, Shivaji Nagar,

Vakola Bridge, Santacruz(E),
Mumbai-55.

6. Mahesh Shashikant Mahadik
Age: 52 yrs.Indian Inhabitant,
r/a B1/4/9 Group, Shivaji Nagar,
Vakola Bridge, Santacruz(E),
Mumbai-55.

7. Vikas Anand Holam
Age: 53 yrs.Indian Inhabitant,
r/a A/23/1 Group, Shivaji Nagar,
Vakola Bridge, Santacruz(E),
Mumbai-55

8. Sadanand Bharat Dalvi
Age:68 yrs.Indian Inhabitant,
r/a B/2/9/10, Group, Shivaji Nagar,
Vakola Bridge, Santacruz(E),
Mumbai-55

... Respondents

Mr Prakash Vare, along with Ms Prachita Vare, for petitioner.
Ms Sangeeta Phad, APP, for respondent/ State.

Coram: R.N.Laddha, J.
Date: 24 April 2025

P.C.:

Heard the learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the respondent/State.

2. The petitioner (original complainant) filed a complaint
under Section 156(3) of the Code of Criminal Procedure, 1973

(‘CrPC’), against the respondents No.2 to 8 for registration of the offences punishable under Sections 463, 464, 465, 466, 468, 469, 470, 471, 474, 420 and 406 read with 34 and 120-B of the Indian Penal Code (‘IPC’). By an order dated 3 December 2019, the learned Magistrate declined to refer the case for investigation by police and put up the matter for recording verification statement of the complainant. The order reads thus:

“Heard the applicant at length and perused the documents submitted. On perusal of the contents of the application and the documents it appears that the applicant is in position to produce witnesses and evidence in support of his case. As such, there is no requirement of referring the case for investigation by the police. Hence, it will be proper to proceed as per Chapter XV of the Criminal Procedure Code. Therefore, put up for verification.”

3. Dissatisfied, the petitioner filed a revision application bearing No.21 of 2020 before the Sessions Court, which was dismissed on 16 October 2023. The complainant, still dissatisfied, preferred this petition.

4. The learned Counsel for the petitioner submits that the accused are falsely challenging his ownership of room No.799 using forged and fictitious documents. The complainant owns

two tenements in the chawl-one inherited and the other purchased-both duly approved by the competent SRA authority. It is alleged that the accused are preventing his membership by producing fake documents and referencing a non-existent structure. The share certificates Nos.771 to 800, including No.799, were found to be bogus and were cancelled through a General Body Resolution. The complainant further alleged that the accused fabricated certificates and even inserted the name of the a minor to unlawfully claim benefits under the SRA scheme.

5. The learned Magistrate, in the impugned order, observed that there is no necessity for a police investigation, as the complainant already possesses relevant documents. The learned Magistrate permitted the complainant to produce evidence and witnesses, proceeding under Chapter XV of the CrPC. The Magistrate rightly held that the case could move forward with the issuance of process, and that any necessary documents could be summoned directly during inquiry under Sections 202 and 203 CrPC. Therefore, the order of Magistrate is legally sound and does not warrant interference.

6. Accordingly, the petition stands dismissed.

[R. N. Laddha, J.]