

Shabnoor

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

**CRIMINAL REVISION APPLICATION NO.154 OF 2024
WITH
INTERIM APPLICATION (ST) NO.12067 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.154 OF 2024**

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Mohana Prashant Kodollikar @
Mohana Murlidhar Nande ... Applicant

V/s.

Prakash Hari Muley @
Mule @ Prakashchandra
Harishastri Mule ... Respondent

Mr. Dilip Bodake, for the applicant.

Mr. Tanveer G. Khan, APP for State – respondent No.1.

Ms. V. S. Tadke i/b Mr. Ameya Borwankar, for
respondent Nos. 1 and 2.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. By this revision petition, the applicant has questioned the correctness of the order passed by the learned Magistrate under Section 203 of the Code of Criminal Procedure, 1973, whereby the complaint filed by the applicant came to be dismissed. The dismissal was essentially on the ground that the dispute raised by the applicant was in the nature of a civil dispute and did not disclose ingredients of any criminal offence.

2. The admitted factual position is that one Hari Narayan Mule expired on 13 August 1984, and his wife, Smt. Anandibai Mule,

expired on 25 September 1988. Both of them left behind five children, namely, sons Prakash (Accused No.1) and Anand (Accused No.2), and daughters Nalinin (mother of the complainant), Chanda, and Ambika (since deceased). By operation of the provisions of the Hindu Succession Act, 1956, all the five children succeeded as legal heirs to the ancestral property left behind by their parents.

3. The grievance of the complainant is that Accused Nos.1 and 2, by allegedly concealing the rights of the other co-heirs, applied to the concerned Cooperative Housing Society for transfer of the share certificate solely in their favour. The Society, acting on their application, transferred the share certificate in their names. The complainant, asserting that this act amounted to cheating and suppression of rights, approached the learned Magistrate by filing a criminal complaint. The Magistrate, upon conducting an inquiry under Section 202 of the Code, came to the conclusion that the issue essentially relates to the rights of co-heirs in the ancestral property.

4. The crucial point to be considered is whether the acts alleged constitute any criminal offence. A share certificate in a cooperative housing society is not by itself a document of title or ownership. It is only an evidence of membership in the society. Ownership of property devolves upon legal heirs as per law of succession, and the share certificate does not create or extinguish any such right. Even if the accused obtained transfer of the share certificate in their names, that by itself does not deprive the complainant or other co-heirs of their lawful share in the property. Their rights

remain unaffected and enforceable through proper civil proceedings.

5. The learned Magistrate has rightly observed that the complaint does not disclose the essential ingredients of any offence under the Penal Code. There is no material to show entrustment of property, misappropriation, or any act of forgery or cheating with fraudulent intent. The allegations, at their highest, indicate a dispute about partition and enjoyment of ancestral property, which is a matter for adjudication before a civil court. Criminal law cannot be invoked to settle civil disputes relating to inheritance and succession.

6. In these circumstances, I find no legal infirmity in the order of the Magistrate dismissing the complaint under Section 203 of the Code. The reasoning adopted by the Magistrate is supported by settled principles that criminal law should not be permitted to be used as a weapon to settle civil scores. The applicant has an efficacious remedy of approaching the competent civil court to assert her rights under the Hindu Succession Act.

7. For the aforesaid reasons, the revision petition is devoid of merit. It deserves to be dismissed, and is accordingly dismissed.

8. In view of the dismissal of the revision application, nothing survives in the interim application, and the same stands disposed of.

(AMIT BORKAR, J.)