



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION(ABA) NO. 690 OF 2025

Haji Mohammad Sharif Haji Mohammad Shafi Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.S.Kalanjiwale,counsel for the applicant.

Mr. Vinod Thakare, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 04/12/2025

1. Heard.
2. The applicant has apprehension of arrest in Crime No.499/2025 registered with Tahsil Police Station, Nagpur for the offences punishable under Sections 406, 420, 465, 467, 468, 471 of the Indian Penal Code.
3. It is the case of the applicant that at the relevant time, the applicant was the president of the Co-operative Housing Society. There was an agreement between the applicant as the president of the Society and the complainant to sale the plots in the year 1998. Till 2001 the first informant has paid the installments however after depositing the entire amount, the sale-deed was not executed and, therefore, the complainant has lodged the complaint and the crime is registered.

4. The learned counsel appearing for the applicant has stated that earlier the complaint was lodged before the Kapil Nagar Police Station. Kapil Nagar Police Station has not taken any cognizance asking the complainant that the nature of the complaint is of civil. Thereafter, the complainant again lodged the complaint before Tahsil Police Station and Tahsil Police Station has taken the cognizance. Instead of lodging the complaint in another police station, the applicant has remedy to lodge the complaint before the Magistrate. As the Tahsil Police has taken cognizance, the crime is registered. The allegations are of execution of agreement before 24 years. The applicant is no more the President.

5. The learned APP has stated that the applicant in 2023-24 has agreed to sale the plots and has taken the consideration. Considering the allegations made against this applicant, it appears that the matter is of civil nature. The applicant is removed from the post of President. The allegations are of 2001. Considering the nature of offence and as earlier, no cognizance was taken by the police, the case is made out to protect the applicant by granting anticipatory bail. Hence the order passed on 15/09/2025 is hereby confirmed on the same terms and conditions.

6. Criminal application stands disposed of.

JUDGE