



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

CRIMINAL APPLICATION (ABA) NO. 816 OF 2025

(Ajay S/o Chandrakumar Suryawanshi and another vs. The State of Maharashtra through PSO
PS Yashodhara, Nagpur)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr.R.C.Gaurkhede, Advocate for applicants.
Mr.U.R.Phasate, APP for respondent-State.

CORAM : MRS. VRUSHALI V. JOSHI, J.
DECEMBER 01, 2025

- 1) Heard learned counsel for the respective parties.
- 2) The First Information Report (FIR) No.504/2025 dated 01/07/2025 was lodged for commission of offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code (IPC) against the applicants at the instance of report lodged by the Rajvilas Narendra Gajbhiye.
- 3) According to the FIR, there was initially agreement executed on 13/03/2018 between the complainant and applicants for sale of a land admeasuring 1575 sq.ft. Bearing plot No.4 and total consideration was Rs.1,97,000/-
- 4) Learned counsel for the applicant has stated that this is a civil dispute. In support of his submission, he relied upon the judgment of this Court in the case of ***Sanjay Manoharrao Bhoot and another vs. State of Maharashtra [Criminal Applicaiton (ABA) No.59/2024 decided on 22/04/2024]*** wherein this Court has granted protection considering that the entire transaction appears to be of a civil nature.

- 5) Learned APP has filed reply and opposed the application stating that the applicant is not the owner of the suit property. He has executed an agreement to sale and taken installments and thereafter, the victims came to know that they are duped, as the applicants are not the owners of the said property. There are many persons to whom the applicants have given the plots in the said property of which they are not the owners. During the investigation, it was transpired that many persons were duped in said case.
- 6) Learned APP has stated that to verify how many persons were duped and how many plots were sold by these applicants, the custodial interrogation is necessary.
- 7) Heard both the counsels.
- 8) This is not a case that the applicants are the owners of the suit property and has not executing the sale deed after receiving payment. The entire layout which has not belongs to the applicants, sold by them and duped many persons. To verify how my persons were duped by the applicants, the custodial interrogation is necessary. Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)