



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

CRIMINAL APPLICATION (APL) No.1008 OF 2024

1. Mr. Dilip s/o. Baratilal Jaiswal,
Aged 66 years,
Occupation : Business,
R/o. Block C-3, Beside Lamti Sub-Station,
Yashwar Nagar, Kachnar City,
Vijay Nagar, Jabalpur,
Madhya Pradesh.

2. Ajay Ramchandra Jaiswal,
Aged 57 years,
Occupation : Business,
R/o. Sainath Nagar, Nagpur Naka,
Bhandara,
Tah. & Distt. Bhandara. : APPLICANTS

...VERSUS...

1. The State of Maharashtra,
Through Police Station Officer,
Ajni Police Station, Nagpur.

2. Mayur s/o. Manikrao Golhar,
Aged about 43 years,
Occupation : Business,
R/o. Behind Canara Bank,
Takre Chowk, Deori,
Distt. Wahsim. : NON-APPLICANTS

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Mr. S.K. Bhandarkar, Advocate for Applicants.
Mr. N.B. Jawade, Additional Public Prosecutor for Non-applicant No.1.
Mr. N.B. Bargar, Advocate for Non-applicant No.2.

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CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **07th NOVEMBER, 2025.**
PRONOUNCED ON : **13th NOVEMBER, 2025.**

JUDGMENT : (Per : Nandesh S. Deshpande, J.)

1. Heard. Admit. Heard finally by consent of learned counsel appearing for the parties.
2. This is an application filed under Section 482 of the Criminal Procedure Code seeking quashing of First Information Report bearing Crime No.0095/2024, registered with Police Station Ajni, Nagpur, for the offences punishable under Sections 420, 465, 467, 468, 471, 506(2) and 504 read with Section 34 of the Indian Penal Code.
3. The First Information Report lodged by non-applicant No.2 with non-applicant No.1 stating that his father namely, Manikrao Shamraoji Golhar had purchased a Plot bearing No.167 from one Indraprastha Gruhnirman Sahakari Sanstha. The said Plot was situated at Mouza Babulkheda, P.H. No.39, Khasra Nos.90 and 92, admeasuring 4000 Sq.ft. The said Plot was purchased by the father of the non-applicant No.2, through the President of the said Society, namely, Gulabrao Mahadeorao Dhage by paying valuable consideration therefor.

4. It is further alleged in the said First Information Report that after attaining old age, said father of the non-applicant No.2 on 3.12.2015 executed a registered power-of-attorney in his name and thereafter the said Plot continued to be in his possession. The non-applicant No.2 further states in the First Information Report that he thereafter got the knowledge that the present applicant No.1 has on the basis of forged documents has purchased the said Plot from the same Society i.e. Indraprastha Gruhnirman Sahakari Sanstha. He, therefore, states that he obtained certified copies which however stated otherwise. It is further stated in the First Information Report that on 1.2.2024 when the construction was going on over the said Plot, the applicants barged over the said Plot and threatened the labourers working thereon to stop work otherwise they would resort to violence. A altercation ensued between the parties and when non-applicant No.2 reached there, he appraised the applicants about the said Plot and he being the purchaser of the same. However, the applicants, according to the First Information Report were in no mood to listen and abused the non-applicant No.2 in filthy language. This led the non-applicant No.2 to lodge the present F.I.R. which is challenged in the present application.

5. We have heard Mr. S.K. Bhandarkar, learned counsel

for applicants, Mr. N.B. Jawade, learned Additional Public Prosecutor for non-applicant No.1 and Mr. N.B. Bargat, learned counsel for the non-applicant No.2.

6. Learned counsel for the applicant Mr. S.K. Bhandarkar submits that he is a bona fide purchaser of the Plot in question having purchased the same from the said Society vide registered Sale-deed dated 14th December, 2009 by paying valuable consideration. He, therefore, submits that even assuming the allegations in the First Information Report to be correct in its entirety, he cannot be roped in as an accused.

7. Per contra, Mr. N.B. Jawade, learned Additional Public Prosecutor squarely opposed the submissions of the learned counsel for the applicants and says that the applicants are involved in forging the documents and thereby claiming title over subject Plot.

8. Mr. N.B. Bargat, learned counsel for non-applicant No.2 also supports the contentions of the learned A.P.P and the pray for dismissal of the application.

9. We have considered the controversy involved in the present matter. As can be seen from the record the applicant No.1/ Dilip B. Jaiswal has purchased the Plot bearing No.167 vide registered Sale-deed which as on date is not challenged or set aside by the competent Court. It, therefore, follows that the applicant

No.1 continues to remain a purchaser and an owner of the Plot in question. After going through the Sale-deed in question it can be at least prima facie seen that the applicant No.1 is a bona fide purchaser. The controversy in the present matter is regarding the Society selling the Plot in question firstly to the father of the non-applicant No.2 and then transferring the same Plot to the applicant No.1. Therefore, if anybody is to be roped in, it is the said Society, who has done anything wrong assuming to be such. The applicant No.1 as also other applicants can be said to be no way concerned with the controversy involved. Furthermore there is no question of forging any document as such and, therefore, offence punishable under Sections 467 and 468 can also not be made out. In that view of the matter we pass following order :

ORDER

- (i) The application is allowed.
- (ii) The First Information Report bearing Crime No.0095/2024, registered with Police Station Ajni, Nagpur, for the offences punishable under Section 420, 465, 467, 468, 471, 506(2) and 504 read with Section 34 of the Indian Penal Code, is quashed and set aside.
- (iii) The parties to bear their own costs.
- (iv) Application is disposed of.

(v) Pending application(s), if any, are also disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

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