IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3097 OF 2022

BHAUSAHEB RAOSAHEB PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Mr. Paresh B. Patil (Borse), Advocate for Applicant
Mr. A.R. Kale, APP for Respondent/State
Mr. V.H. Dighe, Advocate for Respondent No.2

CORAM : R. M. JOSHI, J.
DATED : 28th OCTOBER, 2026

PER COURT :-

1. The Applicant seeks quashment of First Information Report, Charge Sheet and order of issuance of process against him in connection with Crime No.127/2022, registered with Deopur Police Station, Dhule, for the offence punishable under Sections 406, 420, 323, 504, 506 r/w 34 of Indian Penal Code.

2. The First Informant is grandmother of the Applicant and co-accused. She alleges that the property purchased by her husband during his lifetime was misappropriated by accused persons. The allegations is to the effect that on 17.11.2015, Accused No.1 misrepresenting the husband of the Informant got the sale deed executed in his favour. She further contends though the sale deed is executed and registered, consideration was not paid to her husband.

She also alleges about Accused No.1 taking away gold ornaments from her and not returning the same. The incident is also mentioned in the First Information Report occurred on 04.06.2021, in which she was abused and assaulted by the Applicant and co-accused.

3. At the outset, learned Advocate for the Applicant submits that there is delay of seven years in lodging of First Information Report, which creates serious doubt about genuineness of the allegations. Learned Advocate for the Applicant submits that there is no allegation in the First Information Report indicating any cognizable offence being committed by the present Applicant. It is his contention that except for the statement to the effect that Applicant was present at the time of execution of registered sale deed, there is no allegation of he committing any act or compelling the husband of the Informant to execute the sale deed. He also drew attention of the Court to the fact that the allegations with regard to the ornaments is not against the Applicant but against the co-accused. According to him, incident dated 04.06.2021, does not depict any cognizable offence being committed by the Applicant and as such, the Applicant cannot be compelled to undergo recourse of criminal trial.

4. Learned Advocate for the Informant and learned APP opposed the application. It is their contention that Applicant is an Advocate and real brother of co-accused. This according to him is sufficient to indicate collusion

between the applicant and co-accused for commission of the said crime. Learned APP submits that the Applicant is beneficiary of the crime, as the said property as well as gold ornaments have gone into the family of the Applicant.

5. Prima facie perusal of the First Information Report as well as statements recorded during course of investigation attributes against the present Applicant of he remaining present at the time of execution of registered sale deed by the husband of Informant in favour of co-accused. There is no allegation against him that he compelled the husband of the Informant to execute the sale deed or there was any misappropriation on his part. This is not the case of impersonation. Admittedly, the property in question has not been transferred in the name of present Applicant and as such, he is not responsible for non-payment of consideration, if any. Similarly, there is no allegation against him of taking away gold ornaments. What remains against the Applicant is alleged incident dated 04.06.2021. Needless to say, even if the statement is accepted to be true, offence made out against the Applicant would be non-cognizable in nature.

6. Having regard to the said fact, this Court finds no reason to compel the Applicant to undergo rigours of criminal trial. Hence, the application deserves to be allowed. Criminal Application stands allowed and disposed of.

7. At this stage, learned Advocate for the Informant submits that the Informant is aged about 79 years and that trial is being delayed by accused

persons. Needless to say, since the proceeding involves a senior citizen, it is the duty of concerned Court to see that the trial is expedited.

8. The Trial Court is requested to expedite the trial and in any case to complete the same within a year from today.

(R. M. JOSHI, J.)

Mujaheed//