IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12360 OF 2026

Tarabai Jagannath Varma .. Petitioner

Vs.
Srinath Chintamani Bhandare
Through Power of Attorney Holder
Shri. Ravi Chintamani Bhandare .. Respondent

Adv. Jayesh Kalebere i/b. Kalebere Legal Associates, for the Petitioner.
Adv. Padmanabh D. Pise a/w. Adv. Sejal A. Hariyan i/b. P. Padmanabh & Associates, for Respondents.

CORAM : ARUN R. PEDNEKER, J.
Date : 6th OCTOBER 2026

P.C. :

1. Heard learned counsel for the parties.

2. By the present Petition, the Petitioner challenges the order dated 27.04.2026 passed on an Interim Application seeking to prosecute the Respondents under Section 379 for having produced documents titled as an "Agreement to Assign" dated 18.10.2007 and a "Deed of Assignment" dated 03.11.2007. The Petitioner has also sought a preliminary inquiry into the offences punishable under Sections 318(2), 336(2), 336(3), and 61(2) read with Section 3(5) of the BNS Act, 2023, on the ground that the Respondents had produced fabricated documents before the Court.

3. The said Application has been rejected by the impugned order, observing that the said documents are also challenged before the Civil Court and that the proceedings have been pending for the last 17 years. It is further observed that the Application has been filed at a belated stage of the proceedings with a view to delay the same.

4. Learned Counsel appearing for the Petitioner submits that the documents produced are fabricated and fraudulent and that a claim has been made that the Respondent is the owner of the premises. He submits that an inquiry, as contemplated under Section 379 of the BNS, ought to have been conducted by the concerned authority or appropriate directions ought to have been issued to record a finding to that effect and to make a complaint in writing to the Judicial Magistrate First Class having jurisdiction to deal with the complaint.

5. He also relies upon the judgment of the Hon'ble Supreme Court in the case of ***Rekha Sharad Ushir vs. Saptashrungi Mahila Nagari Sahakari Patsanstha Limited reported in 2025 SCC OnLine SC 641*** and the judgment of the Supreme Court in the case of ***Meghmala and Ors. vs. G. Narasimha Reddy & Ors. reported in 2010 8 SCC 383***. He relies upon paragraph 26 thereof and submits that, where fraudulent documents are produced before the Court, or where material facts are suppressed or false

statements are made while instituting proceedings, such litigants are not entitled to any indulgence and ought to be dealt with appropriately. He submits that fraud has always to be viewed seriously and that collusion or conspiracy with a view to deprive others of their rights in relation to a property should render the transaction void.

6. Per contra, learned Counsel appearing for the Respondent points out that Civil Suit No. 2392 of 2026 has been filed before the Civil Judge, Senior Division, Pune, in which prayers have been made in respect of the very same documents. However, a perusal of the plaint indicates that there is no averment or pleading therein that the said documents are fabricated. On the contrary, it is stated in the plaint that the documents were executed as part of a transaction for obtaining certain tax benefits. The prayer is made for cancellation of the agreement for sale executed between Defendant Nos. 1, 2 and 3 and also for a declaration that the sale deed executed between Defendant No. 1 and Defendant Nos. 2 and 3 in the said suit, dated 11.05.2004, be declared void.

7. It is not disputed by the Petitioner that both the documents have been challenged in the Civil Suit. However, there is not a single averment in the suit that the said documents are fabricated. On the contrary, the contention is that the said documents were created for obtaining certain tax benefits.

8. The Civil Suit was also filed in 2009 by the Respondent against the son of the Petitioner. In the said suit, findings have also been rendered that the Plaintiff is the owner of the premises.

9. The Court has considered that the proceedings have been pending for a long time and that the Respondent, having become a party to the proceedings, has now moved the Application belatedly. Her son was already a party to the proceedings, which are still pending. Having considered the averments in the Civil Suit, as also the reasons recorded in the impugned order, this Court finds no reason to interfere. The Application is frivolous and the present Writ Petition appears to have been filed only to delay the proceedings in the matter.

10. Accordingly, the Writ Petition is dismissed.

(ARUN R. PEDNEKER, J.)

SUFIYAN EHTESHAM SYED
Digitally signed by SUFIYAN EHTESHAM SYED
Date: 2026.10.08 19:21:01 +0530