

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 873 OF 2025

1. Popatrao S/o. Ramchandra Bhoi,
Age-58 years, Occ – Service,
R/o. Building No. B-3, Nikhil Garden,
1st Floor, Manikbagh, Sinhagad Rad,
Pune – 411 041.Applicant.

Versus.

1. The State of Maharashtra,
Through -
The Police Inspector,
Wagholi Police Station.
Dist. Pune.
2. Aparna Yashpal Varma,
Age – 58 years, Occu – Service,
R/o. C-803, 8th Floor, Hill Chrust,
J.V.L.R.,
Infront of Shephs, Gate No. 3, Andheri
(East),
Mumbai.Respondents.

Ms. Priya Gondhalekar a/w Stavan Telgote, learned Advocates
for Applicant.

Mr. Aditya Mithe a/w Ms. Esha Joshi, learned Advocates for
the Respondent No. 2.

Mr. Sukanta Karmakar, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.
Date : 23rd March, 2026

JUDGMENT :

1. Heard Ms. Priya Gondhalekar, learned advocate for the Applicant, Mr. Sukanta Karmakar, learned advocate for the Respondent No. 1-State and Mr. Aditya Mithe, learned advocate for Respondent No. 2.

2. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (*hereafter “BNSS”*) seeks to quash the FIR bearing No. 0257 dated 12.06.2025, registered with Wagholi Police Station, Pune, for offences punishable under Sections 318(4), 336(3), 338, 340(2), 61(2), 201, and 82 of Bhartiya Nyay Sahita 2023 (*hereafter “BNS”*) of the Registration Act, 1908 (*hereafter “impugned FIR”*).

3. Material facts relevant to the adjudication of this Application, as divulged from the Application, show that the Applicant, a Senior Revenue Officer working as Sub-Registrar (Class II) No. 20 at the Registry Office in Haveli, Pune, is listed

as Accused No. 16 in the impugned FIR. The impugned FIR was registered based on a complaint filed by Respondent No. 2, alleging that a piece of land measuring 4H at Gat No. 1276/38 (formerly Gat No. 2262/4) at Wagholi, Pune (*hereafter “said property”*), was fraudulently involved in an Agreement for Sale dated 03.01.2025 (*hereafter “said Agreement”*), registered in the Office of the Sub-Registrar, Registry Office in Haveli, Pune. In the said Agreement, Noel Joseph Das, Jyoti Noel Das, Rahun Noel Das, Roshni Noel Das, Jackson Joseph Das, and Rohit Jackson Das signed as vendors, while Girish Ramchandra Kamte, Hemant Kamte, Santosh Shetty, Aditya Ghavare, and Amol Bhumkar signed as vendees. Alleging collusion between the Applicant in the capacity of Sub-Registrar and the other accused, it is claimed that all the accused committed the offence referred to in the impugned FIR.

4. The aggrieved Applicant (Accused No. 16) in the impugned FIR is before this Court.

5. Ms. Priya Gondhalekar, learned Advocate for the Applicant, submits that all allegations in the impugned FIR relate to a transaction involving the purchase and sale of property between Noel Joseph Das, Jyoti Noel Das, Rahun Noel

Das, Roshni Noel Das, Jackson Joseph Das, and Rohit Jackson Das (as Vendors), and Girish Ramchandra Kamte, Hemant Kamte, Santosh Shetty, Aditya Ghavare, and Amol Bhumkar(as Vendees). She submits that the impugned FIR alleges that the vendors in the said Agreement did not hold title to the property, therefore, according to Respondent No. 2, they could not have entered into the said Agreement. She states that the allegations indicate the property, valued at Rs. 90 crores, was sold by the vendors to the vendees for Rs. 8.16 crores. She claims that the allegations against the Applicant involve assisting the accused by registering the said Agreement at an undervalued rate. She argues that, under Rule 44 of the Maharashtra Registration Rules, the Sub-Registrar is not authorized to verify the validity of the documents presented. Instead, the Sub-Registrar's role is limited to verifying whether the parties have paid the appropriate stamp duty and registration fee based on the property's valuation provided to the Sub-Registrar. She submits that, according to the zone certificate attached to the said Agreement, the land was in an Agriculture No Development Zone, and, as shown on the website www.igrmaharashtra.gov.in, the property's valuation was 8.06 crore. Therefore, stamp duty and registration fees were calculated based on the 2022-2023

ready reckoner rates. She disputes the amount of the property claimed by Respondent No.2. She emphasizes that the only allegations against the Applicant are of assisting the parties by registering the said Agreement at a lower stamp duty rate. She concludes that the Applicant fulfilled his duties by lawfully registering the Agreement for Sale. She submits that no offence of a cognizable nature is made out against the Applicant.

6. Mr. Sukanta Karmakar, learned APP for Respondent No. 1, submits that upon receiving the complaint from Respondent No. 2, the impugned FIR was registered. He states that, besides the Applicant, charge sheet has been filed against the other accused in the crime.

7. Mr. Aditya Mithe, learned Advocate for Respondent No. 2, in addition to oral arguments, has tendered a short note of arguments. He submits that Respondent No. 2 is the absolute owner of the said property and that her name is reflected in the 7/12 extract. He submits that the said property is subject to repeated impersonation frauds involving five women falsely claiming to be "Aparna Yashpal Varma". He submits that, due to this illegal activity, Respondent No. 2 was compelled to file a Civil Suit. He submits that Noel Joseph Das asserted that

Respondent No. 2 sold the said property to him by way of a sale deed dated 08.08.1991. Using this Sale Deed, Noel Das and others executed and registered the said Agreement with Girish Ramchandra Kamte, which was registered by the Applicant, as the Sub Registrar. He contends that the Sale Deed dated 8.08.1991, on which Noel Das claims the title, is forged and has been inserted into the records of the Sub-Registrar. He further asserts that the said Agreement undervalues the property. He claims that the Applicant, by ignoring the issue of title and the entries in the 7/12 extract, registered the said Agreement. He submits that if the Applicant had correctly valued the said property, there would have been a lower likelihood of the said Agreement being executed by the vendor and vendees to the said Agreement.

8. Heard arguments. Perused records.

9. The allegations in the impugned FIR against the Applicant herein are as follows:-

तसेच सदर माझे जागेबाबत लिज पेंडंसी दि. 07/02/2023 रोजी नोंदणीकृत असताना व आम्ही नोंदणी महानिरीक्षक, महाराष्ट्र राज्य यांना सदर मिळकतीचे व्यवहार होवु नये अशा आशयाचे दि. 30/08/2024 रोजी अन्वये पत्र दिले असताना देखील सह दुय्यम निबंधक, हवेली क्र. 20 यांनी कमी मुद्रांक शुल्कामध्ये हेमंत कामटे व देव इतर यांना मदत करण्याचे

करण्याचे उद्देशाने चुकीच्या पध्दतीने साठेखत क्र. 184/2025
अन्वये दस्त नोंदणी केली आहे.

English translation of the above paragraph provided by Ms. Gondhalekar, learned Advocate for the Applicant, reads as follows:-

So also even though the Lis pendense has been registered on 07/02/2023 and we had sent correspondence to the Inspector General of Registration, Maharashtra State dated 30/08/2024 stating no transaction pertaining to the said property to take place, the Sub-Registrar, Haveli No. 20 with the intention to help Hemant Kamte and Ors., wrongfully executed the Agreement for Sale, No. 184 of 2025 by valuing the said Instrument at lower stamp duty.

10. Ms. Priya Gondhalekar submits that, apart from the aforementioned allegation attributed to the Applicant in the impugned FIR, there are no other allegations. The said contention of Ms. Priya Gondhalekar is not contested by Mr. Aditya Mithe, learned Advocate for Respondent No. 2. Thus, the role assigned to the Applicant in the impugned FIR is to register the said Agreement without properly valuing the said property as required.

11. The core argument of Mr. Aditya Mithe is that, by not verifying the title of the vendor of the said property and undervaluing the instrument for stamp duty and registration fee purposes, the Applicant is guilty of the offences mentioned in the impugned FIR. Mr. Aditya Mithe emphasized that the

Applicant, while discharging his duties as Sub-Registrar, could not have registered the said Agreement without verifying and confirming the vendors' title.

12. The Hon'ble Supreme Court, in the case of K. Gopi Vs. Sub Registrar and Ors.¹, while examining rule 55-A of the Registration Rules under the Registration Act, 1908, which was framed by the Government of Tamil Nadu in the context of Section 69 of the Indian Registration Act, 1908, and after holding that rule 55-A is ultra vires the Indian Registration Act, 1908, in paragraphs 18 and 19, made the following observations:

18. The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer.

19. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be

¹ (2026) 2 SCC 696

registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.

13. In the case at hand, the impugned FIR contains bald and unsubstantiated allegations of undervaluation. Neither the contents of the impugned FIR nor any material produced or referred to in the impugned FIR establishes a basis for Respondent No.2 to claim undervaluation of the said property mentioned in the said Agreement. Furthermore, the impugned FIR does not raise any issue of non-payment regarding the stamp duty and registration fees based on the valuation in the said Agreement, nor does it indicate any procedural non-compliance. Mr. Aditya Mithe was unable to identify any such statement or material from the record.

14. In light of the decision of the Hon'ble Supreme Court in the case of K. Gopi (supra), the basis of the complaint filed by the Respondent No. 2 against the Applicant, who is implicated in the crime in his capacity as the Sub-Registrar, would be negated.

15. Considering the allegations in the impugned FIR at face value and the limited role assigned to the Applicant in the crime, the rudiments of Sections 318 (4), 336 (3), 338, 340 (2), 61

(2), 201 of BNS and 82 of the Registration Act, 1908, are not established against the Applicant, even prima facie. No case of commission of a cognizable offence against the Applicant is made out.

16. Relying on the principles laid down by the Hon'ble Supreme Court in the case of State of Haryana v. Bhajan Lal² to prevent abuse of the process of law, interference of this Court in the exercise of powers under Section 528 of BNSS is made out.

17. This Application is allowed in terms of the prayer clause (B). Consequently, the impugned FIR against the Applicant is quashed.

18. There shall be no orders as to costs.

19. Criminal Application No. 873 of 2025 is disposed of.

[ASHWIN D. BHOBE, J.]

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