



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

CRIMINAL APPLICATION [APL] NO.1228 OF 2024

Sachin s/o Janardhan Borkar,
Aged about 48 years,
Occupation-Private,
R/o. Plot No.310, Laxminarayan,
Karodpati Lane, Civil Lines,
Nagpur. .. Applicant

..Versus..

1. State of Maharashtra,
through Police Station Beltarodi,
Tah. & Dist. Nagpur.
2. Mrs. Sandhya w/o Pradeep Rao Salve,
Age 60 years, Occ. Nil,
R/o. Plot No.134/102, Swaraj Apartment,
Omkar Nagar, Manewada Road,
Beltarodi, Nagpur. .. Non-Applicants

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Shri Nilesh V. Fulzele, Advocate for Applicant.
Shri A.M. Ghogare, APP for Non-Applicant No.1/State.
Shri Pratik J. Mehta, Advocate for Non-Applicant No.2.
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CORAM : PRAVIN S. PATIL, J.
DATED : 14.01.2026.

JUDGMENT

1. This court while issuing notices in the present matter
passed the order stating that a piece of land was owned by

Sukhdeo and on his demise the property was devolved amongst his widow Sulochana and her five children. Sulochana along with her one of the son Rajendra have alienated some portion of the property in the year 1991 to Mamta Cooperative Housing Society. The informant Sandhya is one of the sharer who on enquiry learnt that Sulochana and Rajendra have created false and fabricated document of relinquishment deed. The applicant had later purchased the said piece of land from Mamta Cooperative Housing Society in 2020 for valuable consideration.

2. It is also recorded that applicant has no nexus with the alleged relinquishment deed stated to be executed in the year 1991 itself. It is also recorded that Sulochana and Rajendra are no more. Hence, Prima facie it is difficult to comprehend the allegations of forgery of the year 1991 to the applicant since he came into picture in 2020. At the most there can be a clot on his title, of course, which is a matter for consideration before appropriate Civil Court.

3. In response to the notices issued by this court by observing above, the learned APP has pointed out from the FIR

that in the year 2022, the present applicant has lodged the complaint vide Crime No.463/2022 under Sections 420, 465, 468, 471, 504, 506 r/w 34 of the Indian Penal Code. In that proceeding, the statement was recorded on 29.10.2020 whereby it is stated that he was possessing the copy of relinquishment deed which was duly Notarized vide Entry No.48, dated 10.2.1991 by Notary namely Advocate Sunil Krushnarao Dadhe. After the enquiry was made in that offence it is revealed that said Advocate Sunil Dadhe has obtained the degree of LL.B. in the year 1995 and was received the Notary Certificate in the year 2007. Hence, *prima facie*, the relinquishment deed which was recorded in the statement of the applicant is *prima facie* bogus and fabricated.

3. Non-applicant no.2 has pointed out that in the sale deed which was executed on 1.9.2020 by Mamta Housing Society in favour of the applicant, there is a reference of the relinquishment deed dated 15.4.2000 which was alleged to be executed by Shri Ajay Sukhdeo Vaidya, Smt. Krushnakala Bhimrao Nanwate, Smt. Manda Vishnu Lokhande and Smt. Sandhya Dharmapal Ambade. However, same was not enclosed

with the sale deed. Hence, according to the non-applicant no.2, there were two relinquishment deeds, one is of year 1991 and second is of 15.4.2000. According to the non-applicant no.2, both the relinquishment deeds were never executed by them in the matter.

4. On the basis of these statement of non-applicant nos.1 and 2, it is their submission that it is the applicant, who has taken the undue benefit of this document and get executed the sale deed from Mamta Cooperative Housing Society.

5. In the light of this factual aspect, it is clear that the relinquishment deeds were executed in the year 1991 and second one which is alleged is of year 2000. However, the fact remains that the present applicant has purchased the land in the year 2020 from Mamta Cooperative Housing Society. Therefore, by any stretch of imagination, the applicant cannot be said to be involved in the documents which were prepared between the family members. At the most, they can challenge the sale deed which is executed by the Mamta Cooperative Housing Society in favour of the applicant if it is so permissible

under the provisions of law, but in any case, no criminal offence is made out in the matter against the present applicant.

6. It is specifically pointed out by the applicant that, non-applicant no.2 was well aware about transaction of property with Mamta Cooperative Housing Society. To substantiate this submission, applicant has relied upon the sale deed 23/06/2000 executed between non-applicant and Priya Cooperative housing Society. In the Sale deed it is specifically mentioned that the land towards south side of Gut no. 60/1 admeasuring 0.81 HR sold by her Priya Housing Cooperative Society belongs to Mamta cooperative Housing Society. Hence, considering this fact, I find no substance in the complaint lodged by non-applicant no.2 against the present Applicant.

7. In my opinion, it is entire civil dispute and the present non-applicant no.2 is trying to use the criminal proceeding against the present applicant with an oblique motive. The same cannot be permitted as same amount to abuse the process of the court therefore the interference of this court is necessary in the matter.

8. Hence, for the reasons aforesaid, I pass the following order :

O R D E R

(1) The application is allowed.

(2) The FIR No.0449/2024 for the offences punishable under Sections 420, 467 and 468 of the Indian Penal Code registered with Police Station Beltarodi, Nagpur City, Nagpur is hereby quashed and set aside only to the extent of Applicant No.1.

(3) No costs.

(Pravin S. Patil, J.)