



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

CRIMINAL WRIT PETITION NO.899/2025

Gajanan Laxman Khapre,
aged 68 years, Occ.: Business,
r/o House No. 741, Laadpura,
Nandgiri Road, Panchpaoli,
Near Atta Chakki, Nagpur – 17.
Shop Add: House No. 381/A,
Nandbachhi Dob, Ganjakheth Chowk,
Near Chandekar Akhada, Nagpur-18

.....**PETITIONER**

...V E R S U S...

1. The Commissioner of Police,
Nagpur City, Civil Liens, Nagpur.
2. The Deputy Commissioner,
Crime Branch (Detection), Nagpur.
3. Smt. Pornima wd/o Krishnarao Chandekar,
Aged about 80 years, Occ. Household,
4. Shri Pandurnag s/o Krishnarao Chandekar,
aged 60 years, Occ. Private.

Both Nos. 3 and 4 r/o House No.381/A,
Nandbachhi Dob, Ganjakheth Chowk,
Near Chandekar Akhada, Nagpur – 18.

...**RESPONDENTS**

Mr. A. K. Waghmare, Advocate for petitioner.
Mr. M. J. Khan, A.P.P. for respondent Nos. 1 and 2.
Mr. P. M. Pande, Advocate for respondent Nos. 3 and 4.

CORAM:- ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.
DATE OF RESERVING THE JUDGMENT : 09.03.2026
DATE OF PRONOUNCING THE JUDGMENT : 17.03.2026

JUDGMENT (Per: Anil L. Pansare, J.)

Heard. Issue Rule returnable forthwith. Learned counsel
for the respondents waive service of Rule. With consent of the learned
counsel for the parties, the petition is taken up for final hearing.

2. The petition is filed to quash and set aside the intimation letters dated 30.08.2025 and 24.10.2025, issued by Police Station, Tahsil and Anti Land Grabbing Squad attached to Deputy Commissioner of Police, (Detection), Nagpur City. By the aforesaid intimation, the petitioner is called upon to remain present with bank statement and other documents in context with the complaint lodged by respondent Nos. 3 and 4.

3. Briefly stated, case of the petitioner is as under:

Petitioner is a 68-year-old, engaged in the business of electrical goods along with his sons and has no criminal record or complaint registered against him in any police station. The petitioner purchased property bearing House No.381/A admeasuring about 962 sq. ft. situated at Nagpur from respondent Nos. 3 and 4 by a registered sale deed dated 02/03/2021 for a total consideration of Rs.19,24,000/-, which establishes the lawful acquisition of the said property. Out of the total sale consideration, the petitioner paid approximately Rs.13,00,000/- to respondent Nos.3 and 4 and, due to close family relations, a mutual arrangement was made whereby respondent Nos. 3 and 4 continued to occupy half portion of the property while leaving the balance consideration amount.

4. Since the execution of the sale deed in the year 2021, respondent Nos.3 and 4 did not raise any objection, complaint, or legal

proceedings challenging the said sale deed for nearly five years, which clearly indicates that the transaction was voluntary and genuine. The sudden allegations of kidnapping, coercion, and forced execution of the sale deed made by respondent Nos.3 and 4 in the written statement filed in the year 2025 are false, baseless, and an afterthought, raised only after value of property increased significantly.

5. Civil suit bearing Spl.C.S. No.260/2025 filed by the relatives of respondent No.4 seeking cancellation of the sale deed, is already pending before the competent Civil Court, and the learned Trial Court has rejected the injunction application while observing that respondent Nos. 3 and 4 had never challenged the sale deed within the period of limitation. Despite the civil dispute being pending before the competent Civil Court, the respondent police authorities have illegally interfered in the matter and are attempting to convert the purely civil dispute into a criminal case.

6. The petitioner has already submitted explanations and documents regarding transaction to the concerned police authorities; however, the officers refused to acknowledge the same and continued to threaten the petitioner with arrest. Hence, present petition.

7. Respondent Nos.1 and 2 filed reply stating therein that upon receiving complaint, respondents initiated inquiry and sought

documents from the petitioner and respondent Nos.3 and 4. These respondents stated that during the course of inquiry, petitioner gave contradictory statements as regards the consideration amount paid to him. According to these respondents, the inquiry is in progress and has not reached its final stage. The First Information Report ("FIR") will be registered only if the case of cheating is made out, for which presence of respondent Nos.3 and 4 is necessary. Allegation of collusion between these respondents on one side and respondent Nos.3 and 4 on the other, is denied.

8. Respondent Nos.3 and 4 have also filed reply stating therein that the complaint requires thorough investigation as the petitioner has taken undue advantage of the family relationship and has illegally grabbed their property. According to these respondents, they were under continuous pressure and threats at the hands of petitioner and due to fear they have not taken strong action against the petitioner. It is only when the situation became unbearable, they approached police authorities.

9. Thus, there are statements against statements. According to petitioner, the transaction is legitimate and the respondents are acting in collusion to harass him whereas respondent Nos.3 and 4 state that they were under continuous duress and pressure and that the petitioner has taken undue advantage of the family relations to grab the property.

Considering the peculiar facts, respondent Nos.1 and 2 thought it proper to first have preliminary inquiry and accordingly summoned the petitioner to appear with necessary documents. This approach appears to us to be in tune with judgment of the Supreme Court in *Lalita Kumari Vs. Government of Uttar Pradesh and Ors.;*[(2014) 2 SCC 1], wherein it is held that registration of FIR upon discovery of cognizable offence is mandatory under Section 154 of the Criminal Procedure Code, 1973. Discretion to conduct preliminary inquiry before registration of FIR is however limited and permissible only in specific circumstances where information does not clearly disclose a cognizable offence.

10. Contention of petitioner that the dispute under question is of civil nature and that complaint is a clear after thought and that the complaint is lodged only to harass him is something which the petitioner should submit before respondent Nos.1 and 2. As regards allegation that one Mr. Rajesh Belokar, Police Official, threatening the petitioner of arresting him, should be examined by respondent No.2. It appears that the petitioner has lodged complaint with respondent No.2 but no action is taken.

11. That being so and since many disputed facts are involved, we dispose of the petition with a direction to respondent No.2 to instruct Tahsil Police Station or concerned investigating officer to proceed in the matter, in accordance with the law laid down in *Lalita*

Kumari's case supra. The petitioner shall appear with necessary documents before Police Inspector (Crimes), Police Station, Tahsil, Nagpur on 24.03.2026 at 11:00 a.m. Police shall examine the issue considering the fact that respondent Nos.3 and 4 have never challenged the sale deed and, therefore, inquiry into transfer of consideration amount is not open to it, unless law provides otherwise. Respondent No.2 shall examine grievance put forth by the petitioner that one Mr.Rajesh Belokar, attached to Anti Land Mafia Squad, is threatening him of arrest and the decision be conveyed to the petitioner. So far as allegation that respondent No.2 has not accepted the explanation and the documents submitted by the petitioner are concerned and since the complaint to that effect is lodged with respondent No.1, same shall be inquired into by respondent No.1 and decision be conveyed to the petitioner.

Rule is disposed of in the above terms.

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)

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