



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

CRIMINAL APPLICATION [ABA] NO. 941 OF 2025

DHIRAJ S/o SHAMRAO RAJPUT

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., SAKKARDARA, NAGPUR

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Ms. Ashwini S. Uikey, Advocate h/f Mr. N. B. Rathod, Advocate for the
applicant
Mrs. M. R. Kavimandan, A.P.P. for the non-applicant/State.

CORAM : M. W. CHANDWANI, J.
DATE : FEBRUARY 13, 2026.

1. Heard the learned counsel appearing for the applicants and the learned A.P.P. appearing for the State.
2. The applicant is apprehending arrest in connection with Crime No. 522/2025 registered with Police Station, Sakkardara, Nagpur for the offences punishable under Sections 318(4), 316(2) of the Bhartiya Nyaya Sanhita, 2023.
3. The FIR shows that the complainant had agreed to purchase the house property of the applicant for a total consideration of Rs.36,70,000/-. The complainant paid Rs.8,71,000/- from time to time towards earnest amount and an agreement to sell was executed by the applicant. The applicant agreed to execute the sale deed on 31.03.2025 on making payment of the balance

consideration. Thereafter, whenever the complainant asked the applicant for execution of the sale deed, he delayed the same for one reason or the other. Thereafter, on 25.09.2025 when the complainant asked the applicant to execute the Sale Deed, the applicant denied to do so and informed about the right claimed by his brother and the loan borrowed by him on the said property from Manewada Mahila Nagari Sahakari Pat Sanstha Ltd., Nagpur.

4. The allegation of the complainant is that inspite of payment as well as execution of the agreement to sell, the applicant has not executed the sale deed, nor returned the earnest amount. So also, the cheque of Rs.1,00,000/- issued by the applicant in favour of the complainant could not be encashed because the applicant asked her not to deposit the cheque for want of sufficient balance in the account.

5. Considering the nature of allegations in the complaint, *prima facie*, it appears that the dispute between the applicant and the complainant is of civil nature. Whether the applicant had an intention to deceive the complainant since inception of the transaction is a matter of trial. Nothing is required to be seized from the applicant.

6. The applicant was protected by the ad-interim order

dated 15.12.2025. Under the orders of this Court, the applicant has attended the concerned police station and cooperated in the investigation. Therefore, custodial interrogation of the applicant is not required.

7. Considering the nature of allegations, a case is made out for confirmation of the interim order.

8. Accordingly, the criminal application is allowed.

9. The ad-interim protection granted by this Court (Coram : Mrs. Vrushali V. Joshi, J.) vide order dated 15.12.2025 is hereby confirmed on the same terms and conditions, except condition (iv).

10. The applicant shall attend the concerned police station as and when directed by the Investigating Officer.

11. The application stands disposed of in the aforesaid terms.

(M.W.Chandwani, J.)

Diwale