



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

CRIMINAL APPLICATION [APL] NO.446 OF 2022

Sachin s/o Suresh Chintawar,
Aged about 44 years,
Occupation-Architect,
R/o. Nr. Gajanan Mandir,
Wadgaon, Chandrapur,
Tah. & Dist. Chandrapur. .. Applicant

..Versus..

1. State of Maharashtra,
through its Police Station
Officer, Police Station, Saoli,
Tah. Saoli, Dist. Chandrapur.
2. Jivan Dashrath Tangadpalliwar,
R/o. Behind Ashoka Hospital,
Ward No.15, Mul, Tahsil-Mul,
District-Chandrapur. .. Non-Applicants

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Shri Firdos Mirza, Senior Advocate assisted by Shri A.
Subhan, Advocate with Ms. S.F. Mirza, Adv. for Applicant.

Shri G.S. Umale, A.P.P. for Non-Applicant No.1/State.

Shri Anup H. Lohiya, Advocate a/w Ms. S.O. Tapdiya,
Advocate for Non-Applicant No.2.

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CORAM : PRAVIN S. PATIL, J.
RESERVED ON : 10.02.2026.
PRONOUNCED ON : 25.02.2026.

JUDGMENT

1. The applicant herein is an Architect by profession and had issued the valuation report of the property to Accused Nos.1 and 2. The same was used by them to obtain a Bank Loan. The Bank Officer lodged a complaint alleging that the property is not available at the spot of which the valuation report was submitted to the bank. According to the applicant, the allegations are false and baseless and on the basis of sufficient document filed on record, it is clear that the property as on date stands on the same plot and, therefore, seeks the quashment of the Regular Criminal Case No.37/2024 pending before the learned Judicial Magistrate, First Class, Saoli arising out of Chargesheet No.37/2024 for the offence punishable under Sections 420, 406, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. In the present case, the Manager of the complainant-Bank lodged a police complaint against three accused persons namely, M/s. Pranjali Traders through its Proprietor, Sau. Sangeeta Rainchwar and Rajesh Vasantrao Rainchwar and the present applicant namely, Sachin Chintawar.

3. It is alleged that the accused namely, Rajesh and Sangeeta approached to the bank for grant of loan of Rs.75,00,000/- for business purpose. At that time, the Branch Manager advised them to submit the necessary documents which will be considered for advancing loan to them. On 17.3.2016, they submitted the relevant documents including the 7/12 extract pertaining to the property bearing House No.373/2/A along with that submitted 7/12 extract, valuation report and the documents duly signed by the guarantor and other relevant documents. After receipt of these documents, the bank conducted the spot verification of the said plot and on the basis of the spot verification, a detailed proposal was forwarded to the Head Office and the Head Office after verifying the entire documents approved the loan to the extent of Rs.75,00,000/- and further executed the registered mortgaged-deed and the charge was created on the property in the revenue record.

4. It is further alleged that thereafter on 7.12.2016 the accused namely Rajesh and Sangeeta again approached to the bank and requested for increasing the cash credit limit by

Rs.50,00,000/-. The bank authorities have again conducted the same procedure i.e. verified the documents and the spot and thereby increased the cash credit limit by Rs.25,00,000/- in favour of those accused persons.

5. The accused namely Sangeeta and Rajesh could not deposit the loan amount in time. Therefore, the bank has issued notices to them for repayment of the loan. The Bank has also initiated the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. In the said proceeding, the learned Collector, by following the procedure, forfeited the mortgaged property of the accused nos.1 and 2. At that time, the complainant came to know that the mortgaged property was not in existence on the plot. According to the complainant, when the panchanama of the mortgaged property was done, they came to know that the mortgaged property was not actually found. According to them, at the spot, in view of the building, they could not see the construction. As per the 7/12 extract, there was an entry of a residential house, but as per the valuation report building and construction was not visible and,

therefore, the enquiry was made from the accused persons. They did not cooperate in the matter and gave evasive replies. As a result, the police complaint came to be filed against them in the matter.

6. During the course of investigation, the Investigation Officer recovered and seized the valuation report issued by the present applicant wherein it was mentioned that the property was situated at Chandrapur-Gadchiroli State Highway. The property is commercial-cum-residential situated in a developed area and the plot area came to be mentioned at the rate of Rs.1500/- per sq. meter and the valuation of the report for residential purpose which was to the extent of Rs.2200/- per sq. meter, worth Rs.40,25,600/-. The valuation of the land occupied by the Rice Mill and Godown was Rs.32,93,750/-. The total valuation of the land was given by the present applicant to the extent of Rs.73,19,350/-. In addition to this, a separate valuation of the building was also mentioned in the valuation report to the extent of Rs.88,39,360/- and as such the total valuation of the entire property by the applicant was to the extent of Rs.1,61,58,716/-.

7. It is further alleged that in pursuance of the Securitisation Act, the spot panchanama was also done by the Tahsildar pertaining to Survey No.383/2 and it was reported that there is no house or construction. He has mentioned that as per the measurement-sheet pertaining to Survey No.383/2-A he has not found any house or building constructed on the said land. Hence, on the basis of this allegation, it is the case of the prosecution that the property of which the valuation report was submitted by the applicant, same was not found in existence as per the panchanama conducted by the revenue authorities. It is alleged that present applicant without verifying the fact whether there was any building construction on the land has issued a false valuation report mentioning the building and construction over the plot and accordingly the offence came to be registered in the matter.

8. In the light of these allegations, the applicant who approached before this court firstly pointed out that the prosecution has wrongly interpreted the valuation report which was submitted by him in the matter. To demonstrate this

submission, he has relied upon the valuation report dated 16.3.2016. According to him, as per the prevailing practice in his office, while submitting the valuation report, the specific purpose is recorded in each report. To substantiate this submission, he has relied upon the valuation report issued by him to one Shri Kisan Dudhani dated 20.11.2015 wherein the purpose is specifically mentioned as bank purpose; valuation report in favour of Shankar Gopichand Dahiwade, dated 18.8.2021, the purpose for which valuation is made is recorded as visa process. However, in the present case, the disputed valuation report on which the reliance has been placed by the prosecution dated 16.3.2016, if perused, it nowhere shows the purpose mentioned by the applicant for bank loan. It is only mentioned that the same was prepared for the purpose of present market value of the property.

9. It is the further submission of the applicant that accused nos.1 and 2 have obtained the valuation report only to ascertain present market value of the property and accordingly he has prepared the said report, but the same was used by them to obtain the cash credit limit and loan from the complainant-

bank. Hence, it was necessary for the bank to ascertain the valuation report and its purpose, but without doing that exercise, they have relied upon the said valuation report for which he cannot be held responsible.

10. In respect of the submission of the prosecution that the property which was valued by the present applicant is not in existence itself, the applicant has relied upon the document collected by the Investigation Officer during the investigation, i.e. the Letter dated 25.8.2023 issued by the Executive Engineer, Public Works Department, Naghbhid, to investigation officer whereby he has stated that after the inspection of land and construction prepared the comparative chart stating the rate quoted by applicant and by his office after getting report from Sub-Divisional Officer, Public Works Department, Saoli. Relying upon this document, according to the applicant, it is crystal clear that as the property was in existence, therefore, the said report was submitted by the Executive Engineer of Public Works Department. Hence, the allegation made against him that in absence of existence of the property, the valuation report was prepared is prima facie incorrect.

11. During the pendency of the present application, the applicant has filed an additional affidavit dated 4.4.2022 on record. By this affidavit, it is clarified by the applicant that the field Survey No.383 ad-measuring 1.94 HR was initially owned by Smt. Sagunabai Nanaji Mohurle. The same was purchased by the co-accused, Rajesh Rainchwar by registered sale deed dated 13.2.2004 and placed on record the copy of sale deed. After purchase of the land, the same was renumbered as Survey No.383/2/A by the revenue authorities. The same can be seen from the 7/12 extract of the said property. It is also pointed out from the 7/12 extract from the year 2004-2005 to 2017-2018 obtained from Tahsil Office, Saoli, it is clear that there is an entry of a residential house on the land recorded by the revenue authorities, not only this, there are entries to the effect that the land was mortgaged with the complainant bank in the year 2005 and 2010.

12. It is further stated by the applicant in his affidavit on the basis of mutation entry registered bearing no.000048 that the Sub-Divisional Officer has granted permission to co-accused

Rajesh for conversion of that land to a non-agricultural purpose for construction of a residential building. He has placed on record the photographs of the standing construction of the residential house of the co-accused. In addition to this, he has obtained the measurement-sheet about the measurement conducted on 25.9.2018 by the office of Taluka Inspector of Land Record for the land bearing no.383/2 of Saoli. The perusal of the said map shows that there is a constructed area in Survey no.383/2 and same is properly marked in the measurement-sheet. It is also pointed out from the revenue record, particularly 7/12 extract that the plot was again renumbered as no. 383/2 in the year 2019-2020 showing the measurement of land as 0.29.15 and 10.97.00 HR respectively. Hence, on the basis of these documents, it is the submission of the present applicant that the revenue record speaks in favour of the applicant that there was/is an entry in the revenue record.

13. The applicant has also placed reliance on the undisputed documents which were prepared in respect of the same property by one Architect namely, S.V. Uttarwar in the

year 2013. The perusal of the said report demonstrates that on the disputed land, Rice Mill, Godown and other structure are recorded in the valuation report of the present applicant. The report was accepted in various transactions. But no one has raised any objection against that report.

14. Apart from these documents, the applicant has also stated that from the perusal of the complaint itself, it is clear that it is the own case of the complainant that while granting the loan of Rs.75,00,000/- for business purpose to the co-accused and also for increasing the cash credit limit by Rs.25,00,000/- they have visited the spot and after verification of the plot, they have prepared a detailed proposal and forwarded to the Head Office. Hence, the complainant being satisfied that there was a standing building, as stated in the valuation report, the same was forwarded by them to the Head Office. Hence, considering this fact, it is not justified on the part of the complainant to allege that the present applicant has prepared forged and bogus documents.

15. The applicant has further relied upon the mortgaged-

deed prepared by the bank. In the said mortgaged-deed, the scheduled of the property is recorded and while describing the four boundaries of the property, they have specifically mentioned that to the southern side of land, Survey no.383/2, there is a Rice Mill belonging to Rajesh Rainchwar. Hence, according to him, if all these documents are prepared by the bank after spot inspection/verification, this allegation that the property is not available on the spot is prima facie incorrect allegation.

16. The learned APP has stated that this court while exercising the powers under Section 482 of the Code of Criminal Procedure cannot make a detailed enquiry as to whether the offence is made out against the applicant or not. However, in this regard, it will be necessary to consider the law laid down by the Hon'ble Supreme Court of India affirmed again in the judgment of *Pradeep Kumar Kesarwani .vs. State of Uttar Pradesh and another*, reported in *2025 SCC OnLine SC 1947*, wherein the Hon'ble Supreme Court in para 20 held as under :

20. *The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-*

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the

conviction of the accused. [(See: Rajiv Thapar v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013))]

17. It is the further submission of the present applicant that in the present case, no offence is made out against the present applicant under Sections 465, 467, 468 and 471 of the Indian Penal Code. From the documents which are available on record, it is clear that the applicant has not prepared any bogus documents as alleged against him and further he has not taken any benefit of the same. So also the ingredients of said provisions are not satisfied while including the applicant in the said offence.

18. In the present case, from the discussion made above, it is clear that the material placed on record by the applicant are sound, reasonable and indubitable documents. The documents relied upon are the public document and, therefore, there is no reason to disbelieve the same. Considering this documentary evidence, in my opinion, the same is sufficient to reject and overrule the factual assertions contained in the complaint. Furthermore, the prosecution has failed to refute the assertions

and the documents made by the applicant in the complaint. In the circumstances, continuing the proceeding with the trial, would result in an abuse of process of the court and would not serve the end of justice. Hence, in my opinion, this is a fit case for exercising the powers under Section 482 of the Code of Criminal Procedure. Hence, I proceed to pass the following order

O R D E R

- (1) The application is allowed.
- (2) The proceeding of Regular Criminal Case No.37/2024 pending before the learned Judicial Magistrate, First Class, Saoli arising out of Chargesheet No.37/2024 dated 24.6.2024 registered vide Crime bearing FIR No.218/2021 dated 16.11.2021 for the offence under Sections 420, 406, 465, 467, 468, 471 r/w 34 of the Indian Penal Code registered at Police Station, Saoli, Tah. Saoli, District-Chandrapur is hereby quashed and set aside against the applicant only.
- (3) No order as to costs.

(Pravin S. Patil, J.)