

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

CRIMINAL APPLICATION NO. 413 OF 2016

Mukesh Popatlal Gada,
aged 41 years, Indian Inahbitant,
permanently residing at Flat No.406.
H-Wing, Dhanraj Society, CTS No.1224,
Apte Road, Shivaji Nagar,
Pune- 411 004.

V/s.

1. State of Maharashtra
(through Kondhwa police station)
Pune- C.R.No.3029/16)
2. Chandrakant Ramrao More,
aged 52 years, Occ: Service,
residing at 401, Astonia Royal,
R-Wing, Ambegaon, Budruk,
Haveli, Dist. Pune.
3. Mrs.Rekha A. Jayrath,
aged 62 years, Occ: Service,
retired government service,
Bldg A-2, flat No.13,
Raksha lekha society, Koregaon
Park, Dist. Pune- 411 001.

Mr.Subhash Jha with Mr.Siddharth Jha, Mr.Sumeet Upadhyay, Mr.Chetan Gogawale and Ms.Prachi Kabra i/b. Law Global for the Applicant.
Ms.Sharmila Kaushik, APP for the Respondent-State.
Mr.Mandar Limaye with Mr.Vedant Bende for the Intervener.

CORAM : RANJITSINHA RAJA BHONSALE , J.

DATED : 31st JULY 2026.

JUDGMENT :-

1. Rule. Rule made returnable forthwith. Taken up for hearing by consent of parties.

2. By the present Application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicant seeks to quash and set aside FIR No.3029/2016 dated 23rd March 2016 registered with Kondhwa Police Station, Pune for the offence punishable under section 82 of the Registration Act, 1908 (for short "Registration Act"). On 08th December 2018, sections 420, 467, 468, 471 of the Indian Penal Code (for short "IPC") have been subsequently added.

3. The facts of the prosecution case, in brief, are as under:

3.1 The FIR No.3029/2016 came to be registered with the Kondhwa Police Station, District- Pune on the basis of the complaint filed by one Mr. Chandrakant Ramrao More, Respondent No.2 herein who was working as Sub-Registrar, Haveli-12, Kondhwa, Pune against the Applicant and others for the offence punishable under section 82 of the Registration Act. The complaint, dated 23rd March 2016 is filed pursuant to the complaint lodged by one Mr. Vijay Kumbhar, President of Anupama Co-operative Housing Society, Pune (Intervener in the present Application).

3.2 That, the allegation in the complaint is in respect of documents concerning property bearing City Survey No.2, Hissa Nos.4 and 5. That, one Mr.Arun Sripati Ranvade signed on behalf of (1) Mr.Nandakumar Thakurdas Jaisinghani and (2) Mr.Balram Thakurdas Jaisinghani as their Constituted Attorney. That, the Power of Attorney dated 23rd September 1980, which was annexed to the said documents, was neither notarized nor registered.

3.3 It is alleged that, the documents were registered with the office of the Sub-Registrar, Haveli No.12 bearing Registration Nos.1939/2010, dated 5th March 2010 in respect of property bearing Survey No.2, Hissa Nos.4 and 5 and 2/4 + 5 + 6/1, 1A/1B/2 and Survey No. 2/4E, Plot No.14 admeasuring 6.25 R and the document bearing Registration No.2283/2010 dated 17th March 2010 village Aundh, Survey No.2, Hissa Nos.4 and 5 and 2/4 + 5 + 6/1, 1A/1B/2, Survey No.2/4D, Plot No.13 for an area admeasuring 4.29 R out of land admeasuring 8.58 R-8 have been registered by Arun Shripati Ranvade, who had signed the documents as Power of Attorney holder/Constituted Attorney of (i) Mr.Nandkumar Thakurdas Jaisinghani and (ii) Mr.Balaram Thakurdas Jaisinghani. That, the said Power of Attorney dated 23rd September 1980 was used in the said transaction.

4. It is alleged that, the Power of Attorney was not registered, as per Circular dated 29th January 2007. That, it is not stated whether the person who gave the Power of Attorney was dead or alive. Based on these allegations, the FIR was filed.

5. Heard Mr. Subhash Jha, learned counsel for the Applicant, learned APP for the Respondent-State, and Mr. Mandar Limaye for the Intervener.

6. Mr.Jha, learned counsel appearing for the Applicant submitted that,

6.1 No case is made out against the Applicant under section 82 of the Registration Act in as much as the allegations do not make out the ingredients as required under section 82 of the Registration Act. Perusal of the FIR would indicate that, there is no mention as to which is the false statement made in the Sale-deed 5th March 2010 and 17th March 2010. That, section 82 of the Registration Act does not contemplate or provide for punishment, in case the Power of Attorney is not registered.

6.2 Sections 82 and section 83 of the Registration Act are to be read in conjunction. Section 83 of the Registration Act provides that, the registering officer may commence prosecution with the permission of the Inspector General or Registrar or Sub-Registrar. That, there is no document evidencing that, the permission as required under section 83 of the

Registration Act has been taken. Apart from the statement made in the FIR that the Authority had the permission, there is no material on record evidencing the same. That, even though time was granted to produce the permission, the learned APP has not been able to produce the permission which is referred to in the FIR. That, no inquiry was held nor was any notice issued under section 83 of the Registration Act.

6.3 It would be necessary that, the affected party is heard before initiating any action in complaints under section 82 of the Registration Act. Reliance was placed on the judgments of the Hon'ble Supreme Court in the case of *Union of India v. Shiv Raj and others*, reported in (2014) 6 SCC 564 and *Automotive Tyre Manufacturers Association v. Designated Authority and others*, reported in (2011) 2 SCC 258 to submit that unless and until the Statue expressly excludes an opportunity of hearing, the hearing ought to be given.

6.4 It is not the requirement of law that the Power of Attorney is to be registered. It was only after 1st April 2013, by the Maharashtra amendment, it become compulsory to register the Power of Attorney.

6.5 The Ranvade family owned a plot of land admeasuring 10 acres which was given for the purposes of development to four developers, two of whom were Mr.Nandakumar Thakurdas Jaisinghani and Mr.Balram Thakurdas Jaisinghani. That, the transaction is based on the Release

Deed and not on the basis of the Power of Attorney dated 23rd September 1980. That, the Power of Attorney was only annexed to the Sale-deeds dated 5th March 2010 and 17th March 2010.

6.6 That, Mr.Nandakumar Thakurdas Jaisinghani and Mr.Balram Thakurdas Jaisinghani on 23rd September 1980 executed the Power of Attorney in favour of Mr.Arun Ranvade. That, the Sale-deeds were executed in favour of M/s. G and Associates (of which the Applicant is a partner) in respect of plot No.13 and plot No.14. That, the complaint has only been filed on 23rd February 2016 alleging that the Power of Attorney dated 23rd September 1980 is not registered. The alleged permission is granted by the Collector of Stamps for lodging the FIR, only on 23rd March 2016. That, the FIR being lodged on 23rd March 2016, the Applicant was made accused only on later stage. That, there is a delay in lodging the FIR. Therefore, interference under section 482 of Cr.PC. is warranted. That, the FIR is motivated and mala fide exercise which targets the Applicant. That, the delay in initiation the criminal prosecution has been unexplained. Reliance was placed upon the the judgment of the Hon'ble Supreme Court in the case of Chanchalpati Das v. State of Bengal and another., reported in (2023) 20 SCC 120.

6.7 That, the FIR was initially lodged under section 82 of the Registration Act which is a special statute. That, under section 83 of the

Registration Act, a criminal prosecution could be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar in which territory, district or sub-district, as the case may be, the offence has been committed. Referring to section 82 of the Registration Act, it was submitted that, the necessary ingredients of section 82 have not been complied with. While referring to the reply dated 5th January 2026 to RTI application filed by the Applicant, it was submitted that, *prima facie* it would indicate that the permission which is required under section 82 of the Registration Act is not available.

6.8 Relying on the decision of the Hon'ble Supreme Court in the case of *Gudru Samba Shiva Rao v. State of Madhya Pradesh and another*, dated 19th August 2025 in SLP (Cri) No.485 of 2025, while referring to paragraph-12 thereof, it was submitted that the Applicant being the purchaser of the said property cannot be said to have offered any fraudulent inducement to the Complainant nor can it be said that the Applicant made the Complainant to part with the property for a valuable security. Considering that, the documents in question are registered documents, executed for a valid consideration, it would be the Applicant who ought to have taken a criminal prosecution against the sellers. Referring to the judgment of the Hon'ble Supreme Court in the case of *Mohammed Ibrahim v. State of Bihar*, reported in (2009) 8 SCC 751,

paragraphs-20 to 22, it was submitted that, no fraudulent or dishonest inducement was made out against the Applicant.

7. Mr.Mandar Limaye, learned Advocate appearing for the Intervener submitted that,

7.1 The complaint has been filed on behalf of the Society in respect of Sale-deeds executed between Arun Ranvade and the Applicant.

7.2 The Power of Attorney dated 23rd September 1980, on the basis of which the execution is done, is false and bogus document. That, the property, which has been sold to the Applicants, belongs to Anupama Housing Society. That, though initially the FIR was registered under section 82 of the Registration Act, sections 420, 467, 468 and 471 have been added in December 2017.

7.3 The transaction is in respect of property which Mr.Jaisinghani sold to the Society. That, the Power of Attorney dated 23rd September 1980 has been used and acted upon and it is not the case as contended that it was only annexed to the Sale-deeds. That, Mr. Balram Jaisinghani expired in the year 1989, and, therefore the Power of Attorney, even if in existence, came to an end. That the said Power of Attorney dated 23rd September 1980 was used by Arun Ranvade in the year 2010, when Mr.Balram Jaisinghani had already expired in 1989. That, the offence is clearly made out.

7.4 The mutation entries bearing Nos.4256 and 4257 pertaining to the Sale-deeds were challenged by the Government of Maharashtra in Appeal under the Maharashtra Land Revenue Code. The said mutation entries have been set aside. That, the Applicants were party-respondents in the said Appeal and were heard. The order dated 17th January 2007 passed in the Appeal has not been challenged by the Applicants.

7.5 It is not compulsory/ mandatory to take permission under section 83 of the Registration Act. Reliance was placed on the judgment of the Hon'ble Supreme Court in the case of *Dharmadeo Rai v. Ramnagina Rai*, reported in AIR 1972 SC 928, paragraph-5 and 6 thereof, to submit that, the provisions of section 83 of the Registration Act are not mandatory and are, in fact, directory in nature. That, in any event, sanction in the present case has been taken. That, any challenge to the sanction or any question of the existence of the sanction can be considered at the stage of the trial.

7.6 The other fact which clearly demonstrates that the Power of Attorney dated 23rd September 1980 is false and fabricated document is that, the Power of Attorney purported to be of the year 1980 makes a reference to plot numbers, which plot numbers have been allotted by the Authorities only in the year 2004, after the implementation of the consolidation scheme. In the year 1980, when the Power of Attorney is

alleged to have been executed, the reference could only be made to the then existing survey numbers and not the plot numbers.

7.7 The Power of Attorney has been used in respect of lands which are not even referred to in the Power of Attorney. That, the fraud, forgery and conspiracy are clearly made out.

8. The learned APP appearing for the Respondent-State while referring to the affidavit-in-reply and, particularly paragraphs-9, 10 and 16 thereof, submitted that, the case against the Applicants is clearly made out. Referring to paragraph-22 of the affidavit-in-reply, he submitted that, the Power of Attorney dated 23rd September 1980, used in the year 2010, is in respect of a person who had expired in the year 1989 and is used for completely different and distinct properties which are not even referred in the Power of Attorney. While referring to the affidavit-in-reply and particularly paragraph-22 thereof, learned APP stressed on involvement of the Applicant Mukesh Popatlal Gada in the said crime.

9. Mr.Jha, learned counsel for the Petitioner, in rejoinder, submitted that, this is a vexatious prosecution which has been launched at the instance of some dishonest elements of the society. That, the Intervener is not the Chairman of the Society. That, while executing the document, the Applicant, who is a businessman, generally do not look into such minute details of the land which are purchased. That, the scope of the FIR cannot

be extended and a new case cannot be made out by supplementary statements.

10. Perused the entire record. First aspect which is required to be considered is whether it is necessary for the Authorities to have the prior permission under section 83 of the Registration Act to initiate a criminal proceeding under the Registration Act. A useful reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Dharmadeo Rai v. Ramnagina Rai (supra)*, while specifically referring to section 83 of the Registration Act has observed that:

3. In this Court, the only point argued on behalf of the appellant was that the complaint was incompetent as it was filed by a person without obtaining the necessary permission under Section 83 of the Act and, therefore, the conviction was bad and must be set aside. Section 83 of the Act provides:

“83. (1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.”

4. On a reading of the section, it would be clear that it deals only with prosecution for an offence under the Act coming to the knowledge of the Registering Officer in his official capacity. It, in effect, provides that where an offence comes to the knowledge of the Registering Officer in his official capacity, a prosecution may be commenced by or with the

permission of any of the officers mentioned in the section. The section can possibly have no application to cases in which offences are committed under the Act, but the offences do not come to the knowledge of the Registering Officer in his official capacity. If the Registering Officer does not know in his official capacity that the document produced before him is a false document or that the person appearing before him is personating some other person, the section has no application. The section is not prohibitory in that it does not preclude a private person from commencing a prosecution. Even in a case where the commission of an offence comes to the knowledge of the Registering Officer in his official capacity, the section does not prohibit a private person from commencing a prosecution as the section is clearly permissive in its language and intent. In other words, the section is an enabling one. It enables the persons mentioned therein to commence a prosecution in cases where the commission of the offence under the Act comes to the knowledge of the Registering Officer in his official capacity. The section enables the officers named to use their official position for the purpose of prosecution without personal risk.

5. In Gopinath v. Kuldip Singh [ILR 11 Cal 566] the question whether the section prohibits a private person from commencing a prosecution without the permission as provided in the section, came up for consideration and a Full Bench of the Calcutta High Court answered the question by saying that the section is not prohibitory in character and that it does not preclude a private person from commencing a prosecution for an offence under the Act without the permission as envisaged in the section. This case has been followed by the Madras High Court in Re Piranu Nadathi [ILR 40 Mad 880] There also the Court has taken the view that the section is an enabling one in that it only authorises the authorities mentioned therein to commence a prosecution, and does not prohibit a private person from commencing a prosecution without the permission as required by the section.

In Emperor v. Yesa Nana Didwagh [AIR 1937 Bom 191] Beaumont, C.J., speaking for the Court, said that the section is intended to provide only for cases where the knowledge of an offence under the Act comes to a Registering Officer in his official capacity and that it has no application when he has no such knowledge, and that even in cases where he has knowledge of the commission of the offence in his official capacity, the section is only enabling and does not preclude a private person from launching a prosecution for the offence. The same view was taken by a Bench of the Patna High Court in Ganga Dibya v. Emperor [AIR 1943 Pat 227] and also by the High Court of Jammu and Kashmir in Habib Shah v. Mehda Shah. [AIR 1960 J&K 18] In Nga Pan Gaing v. King-Emperor [AIR 1927 Rang 61] the Rangoon High Court held that the word “may” in Section 83 of the Act should be read as equivalent to “must be” and that a prosecution for an offence under the Act coming to the knowledge of a Registering Officer in his official capacity cannot be commenced by a private person without the permission mentioned in the section. A Full Bench of the Allahabad High Court, in Emperor v. Mohd. Mehdi [AIR 1934 All 963] took the view that Section 83 lays down a special procedure for prosecution of the offences created by the Act and, therefore, that procedure should be followed, that although the word “may” occurring in the section cannot be read as “must”, it has to be read in the context as having a mandatory character. The Court said that the offences contemplated by Sections 81 and 82 of the Act are offences committed against registering authority, that only indirectly that private persons would be affected and, therefore, the provisions of the section are prohibitory in character. In our view, this reading of the section is inadmissible for the obvious reason that the section, as we have said, provides only for one type of cases, namely, cases in which the commission of an offence under the Act comes to the knowledge of the Registering Officer in his official capacity and even there, the language of the section is permissive and not mandatory.

Section 81 of the Act makes the endorsing, copying, translating or registering of a document by a Registering Officer charged with those duties in a manner which he knows or believes to be incorrect, intending thereby to cause injury as defined in the Penal Code to any person, an offence punishable with imprisonment which may extend to seven years or with fine or with both. Section 82 deals with four classes of offences classified under clauses (a), (b), (c) and (d) of the section. Clause (a) deals with intentionally making false statements before officers acting under the Act, clause (b) with intentionally delivering to a Registering Officer a false copy of a map or plan; and (c) with false personation and presentation of a document or the making of an admission or a statement in the assumed character in any proceeding or enquiry under the Act. Clause (d) deals with the abetment of the above offences.

6. If the authorities mentioned in Section 83 of the Act were to collude with the person guilty of an offence under Section 82 of the Act, or if they fail to launch a prosecution against the Registering Officer for an offence under Section 81 of the Act, there would be a total bar to prosecution by a private person in case we accept the reasoning of the Rangoon and Allahabad High Courts. We do not think that a construction which would lead to that result is warranted by the plain language of the section.

7. One would have expected a more apt phraseology if the purpose of the Legislature was to prohibit the prosecution of an offence under the Act by a private individual. Seeing that a private person will be more seriously injured by the action of an offender who not only forges a document but endeavours to give it a higher efficacy by registering it, we can perceive no reason why the private person should be denied the liberty to prosecute the offender. We also see no reason why a Registering Officer guilty of an offence under Section 81 of the Act should get immunity from prosecution by a private

individual injured thereby. Counsel for the appellant referred to the decision of this Court in K.M. Kanavi v. State of Mysore [AIR 1968 SC 1339 : (1968) 3 SCR 821 : (1969) 1 SCJ 168 : 1968 Cri LJ 1510] and contended that Section 83 of the Act is prohibitory in character. There is no merit in this contention as the language of the provision there considered was totally different.”

11. Sections 82 and 83 of the Registration Act provide that in case an offence is committed under the Registration Act and if it comes to the knowledge of the registering officer in his official capacity, the prosecution can be initiated. Section 83 of the Registration Act uses the word “may”. The language used in section 83 of the Registration Act is permissive and not mandatory. Perusal of the judgment of the Hon’ble Supreme Court in the case of *Dharmadeo Rai v. Ramnagina Rai (supra)* would make it clear that the language of section 83 is permissive and not mandatory. The word “may” has been used in the said section with the aforesaid intention and objective. In that view of the matter, I find that the prior permission as contended as required under section 83 of the Registration Act is not mandatory. It is also open for a private individual to file a complaint.

12. Perusal of the documents i.e. both the Sale-deeds and Power of Attorney would make it clear that the Power of Attorney dated 23rd September 1980 has been misused long after the death of Mr. Balram Jaisinghani. Further, on considering the documents, it *prima facie* appears that, false and fabricated documents have been used before the

registering authority. When both the Sale-deeds and the purported Power of Attorney dated 23rd September 1980 are read together, it is apparent that the Power of Attorney dated 23rd September 1980 has been used in respect of land bearing different survey numbers and not the survey numbers referred to in the Power of Attorney. In that view of the matter, a *prima facie* case under section 82 of the Registration Act and section 420 and other sections of IPC is clearly made out. It is not disputed that, the said Mr.Balram Jaisinghani had expired in the year 1989. In my opinion, a *prima facie* case of the offence of forgery is also made out.

13. As regards the argument of the Applicants that, a notice ought to have been issued to the Applicants before registering the FIR under section 82 of the Registration Act, I am of the view that the said notice is neither contemplated under the Act nor necessary. It cannot be that in each and every matter/ offence under the Registration Act, a notice is required to be given.

14. As regards the question of delay, I am of the opinion that considering the peculiar facts and circumstances of this case, it cannot be that the criminal complaint can be thrown only on the ground of delay. *Prima facie*, it appears that, the documents have been misused and signatures have been made on behalf of the person who was no longer alive. A bare perusal of the document bearing No.1939/2010 would

indicate that, the said document has been signed by Arun Ranvade on behalf of Mr.Nandakumar Jaisinghani and Mr.Balram Jaisinghani as Power of Attorney Holder. Perusal of the Power of Attorney dated 23rd September 1980 would indicate that the reference therein is to lands bearing Survey Nos.2/4E/Plot Nos.13, 14 for an area of 6.25 R and 4.29 R. Though, the Power of Attorney is in respect of Survey No.2/4E, the same has been used to register a Sale-deed dated 17th March 2010 bearing Registration No.2283/2010 in respect of Survey No.2/4D. Further, the said Power of Attorney dated 23rd September 1980 is used in document bearing Registration No.2283/2010, by Mr.Arun Ranvade as a Power of Attorney holder of Mr.Balram Jaisinghani who had already expired in the year 1989. Similarly, the said Mr.Arun Ranvade had again used the said Power of Attorney dated 23rd September 1980 to register the Sale-deed dated 5th March 2010 bearing Registration No.1939/2010 on behalf of Mr.Balram Jaisinghani.

15. I have perused the Affidavit dated 16th December 2025 filed by the Assistant Police Inspector attached to the Kondawa Police Station. Perusal of the Affidavit would indicate that, the Power of Attorney dated 23rd September 1980 which was used for registration of the Sale-deed dated 5th March 2010 bearing registration No.1939/2010 and 17th March 2010 bearing registration No.2283/2010 mentions/describes the property

by giving survey numbers. The Investigating Officer has stated that, from the information received from the office of the Tahsildar, Pune City the new Survey Numbers which are mentioned in the Power of Attorney dated 23rd September 1980 were only allotted and given in the year 2004 when the Government had replaced the old type of property records and implemented the new system. That, the survey numbers mentioned in the Power of Attorney are survey numbers allotted to the internal roads of the Anupama Co-operative Society. That, the same were allotted in the year 2004 and therefore mention of same survey numbers in the Power of Attorney purported to be executed in the year 1980 is a clear fact which establishes the forgery. The record indicates that, the said Mr. Balram Jaisinghani expired in the year 1989 and the Power of Attorney dated 23rd September 1980 has been used while executing the Sale-deeds in the year 2010. In my opinion, a clear *prima facie* case of fraud is made out.

16. A perusal of the Sale-deed dated 5th March 2010 bearing registration No.1939 of 2010 would indicate that, by the said Sale-deed the said Arun Shripati Ranvade has signed on behalf of Nandakumar Thakurdas Jaisinghani and Balram T. Jaisinghani as a Power of Attorney Holder. The said Balram Jaisinghani expired in the year 1989 and the Sale-deed is executed in the year 2010. *Prima facie*, this is indicative of a fraudulent transaction as the fact is that the Power of Attorney dated 23rd

September 1980 had ceased to exist and, therefore the Power of Attorney holder could not have executed the said Sale-deeds.

17. Perusal of the Power of Attorney dated 23rd September 1980 would indicate that the same has been given by Balram Jaisinghani and Nandakumar Jaisinghani to Arun Ranvade in respect of Survey Nos. 2/4E/Plot Nos. 13 and 14 whereas the Sale-deed dated 17th March 2010 bearing registration No.2283 of 2010 which has been executed by Arun Shripati Ranvade on behalf of Balram Jaisinghani on the basis of the said Power of Attorney has been executed in respect Survey No.2/4D/Plot No.13. *Prima facie*, a clear case of fraud is made out as the Power of Attorney is in respect of survey No.2/4E and a Sale-deed is executed in respect of Survey No. 2/4D.

18. Further, perusal of the order dated 17th January 2017, it would be pertinent to note that the mutation entries bearing Nos.4256 and 4257 have been set aside. Mutation Entry No.4256 was in respect of Sale-deed dated 5th March 2010 and Mutation Entry No.4257 is in respect of Sale-deed dated 17th March 2010. The Applicants were parties to the said proceeding. Though the Applicants were parties to the proceeding, they have not challenged the order dated 17th January 2010 till date. The allegation of the Intervener is that the said property, in fact, belongs to the Society.

19. In my opinion, *prima facie* case is made out against the Applicants. Considering the facts and circumstances, no case is made out to exercise inherent jurisdiction under section 482 of Cr.PC.. In view thereof, Application is dismissed.

(RANJITSINHA RAJA BHONSALE, J.)