



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CRIMINAL APPLICATION NO. 1203 OF 2024

VANDANA W/O SUHAS DHENGLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Pratik Arvind Bhosle, Advocate for Applicant
Mr. S. P. Joshi, APP for the Respondent/State

CORAM : R. M. JOSHI, J.

DATED : 11th SEPTEMBER, 2026

PER COURT :-

1. The record shows that respondent No.2 has been served. Today, respondent No.2 is absent. It appears that respondent No.2 is not interested in opposing the present application. Hence, the application is taken up for hearing in the absence of respondent No.2.
2. This application under Section 482 of the Code of Criminal Procedure seeks quashing of the First Information Report in C.R. No. 516/2023, registered with Kadim Police Station, District Jalna, for the offence punishable under Section 420 of the Indian Penal Code.
3. The First Information Report indicates that, on 18.03.2016, an agreement to sell came to be executed between the informant and the present applicant in respect of Plot No.60, situated at Yogeshwari Nagar, Old Jalna. The parties had agreed for the sale and purchase of the said property for a

total consideration of Rs.56,60,000/-. According to the informant, a sum of Rs.40,00,000/- was paid at the time of execution of the agreement to sell, and the remaining amount of Rs.16,60,000/- was agreed to be paid at the time of execution of the sale deed. Further allegations in the First Information Report indicate that, despite repeated requests made by the informant, the applicant failed to execute the sale deed. Hence, the offence came to be registered.

4. Learned Advocate for the applicant submits that, even if the allegations in the First Information Report are accepted to be true, the dispute is essentially with regard to the sale and purchase of the property and is civil in nature. It is his submission that, in the absence of the ingredients of any criminal offence being made out, the present case is a fit case for quashing of the proceedings. In support of his submission, he has placed reliance upon the judgment of the Hon'ble Supreme Court in the case of ***Kunti and Ors. Vs. State of Uttar Pradesh and Ors.***, MANU/SC/0534/2023.

5. Learned APP opposed the grant of any relief to the applicant by referring to the allegations made against the applicant in the First Information Report. It is his submission that, despite receiving a substantial amount of Rs.40 lakhs, the applicant has failed to execute the sale deed and, therefore, a prima facie offence is made out against the applicant.

6. Perusal of the First Information Report as well as the charge-sheet indicates that the transaction between the parties pertains to the sale of Plot

No.60 situated at Old Jalna. Even if the allegations in the First Information Report are accepted in their entirety, the dispute cannot travel beyond a civil transaction between the parties. Needless to say, the remedy available to the informant was to file a suit for specific performance of the contract if he intended to proceed with the transaction, or to seek refund of the amount paid by him. In any case, a purely civil dispute cannot be impermissible converted into a criminal dispute. The judgment in the case of *Kunti* (supra) squarely applies to the facts of the present case. Hence, the following order:

ORDER

- . The application is allowed in terms of prayer clauses 'C', 'C-1' and 'C-2'.

(R. M. JOSHI, J.)

ssp