

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

**APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO.: 4547 OF 2014**

Ravindra s/o Tukaram Damodare,
Age: 40 years, Occu: Agri,
R/o: Rashan Tq. Karjat,
Dist: Ahmednagar.

... **APPLICANT**

VERSUS

1. **The State of Maharashtra,**
Through Police Station Karjat,
Tq. Karjat, Dist. A'nagar.

2. **Chandrakant s/o Raghunath Sonwane,**
Age: 40 years, Occ: Labour,
R/o Chapadgaon, Tq. Karjat,
Dist. Ahmednagar.

... **RESPONDENTS**

...

Mr. Y.K. Bobade, Advocate for the Applicant.
Mrs.R.K.Ladda, APP for Respondent No.1/ State.
Mr.D.G.Kamble, Advocate for Respondent No.2.

...

**CORAM:- T. V. NALAWADE &
INDIRA K. JAIN, JJ.
DATED :- 17th April, 2015.**

JUDGMENT [PER SMT.I.K.JAIN, J.]:

. Rule. Rule made returnable forthwith. By consent of
the parties, criminal application is heard finally.

2 Learned APP is also heard.

3 This application under Section 482 of the Code of Criminal Procedure is filed for quashing the proceedings in R.C.C.No.18 of 2014, pending before the learned Judicial Magistrate First Class, Karjat, District Ahmednagar arising out of Crime No.I-249 of 2013, registered at Karjat Police Station, for the offences punishable under Sections 384 and 506 of the Indian Penal Code on the basis of report lodged by Respondent No.2 on 18th November, 2013.

4 In nutshell, facts giving rise to the present application may be stated as under:

Respondent No.2 – Chandrakant Sonwane is resident of Chapadgaon in Taluka Karjat. In 2003, he met Applicant Ravindra at Karjat bus-stand. That time, Chandrakant asked Ravindra that he would like to purchase a crusher machine and since his relations with Social Welfare Panchayat Samiti, Karjat are good, he can help him to get the crusher machine. It is contended that Ravindra demanded Rs.5,000/- from Chandrakant to help him in getting crusher machine. As Complainant was to purchase the said machine, he gave Ravindra Rs.5,000/- as

demanded.

5 Thereafter, from time to time, Chandrakant asked Ravindra about crusher machine, but he avoided the same. He neither repaid Rs.5,000/- nor gave crusher machine to Complainant. It is alleged that on 11th November, 2013, near Nageshwar Temple, when Applicant Ravindra met Complainant, he reminded him again of crusher machine or to return Rs.5,000/- to him. Ravindra refused to give money back and threatened the Complainant to life.

6 On 18th November, 2013, Chandrakant reported the incident to Karjat Police Station on the basis of which abovesaid crime came to be registered against the Applicant.

7 We have perused copy of FIR dated 18th November, 2013. It is significant to note that incident took place in 2003. FIR came to be lodged on 18th November, 2013. The inordinate delay in reporting the matter to police is nowhere explained in FIR. On perusal of papers of investigation, we do not find that ingredients of offences punishable under Sections 384 and 506 of the Indian Penal Code are made out against the Applicant.

8 Considering the case papers and FIR minutely, we are of the opinion that no purpose would be served if proceedings in R.C.C. No.18 of 2014, pending before the learned Judicial Magistrate First Class, Karjat, District Ahmednagar, are allowed to be continued, particularly when FIR on its face does not constitute any offence against Applicant. Hence, to prevent the abuse of process of law, we find it a fit case to exercise discretion.

9 In the result, proceedings in R.C.C. No.18 of 2014, arising out of Crime No.I-249 of 2013, pending before the learned Judicial Magistrate First Class, Karjat, District Ahmednagar, against the Applicant, for the offences punishable under Sections 384 and 506 of the Indian Penal Code, are hereby quashed and set aside.

10 Rule is made absolute in the aforesaid terms.

[INDIRA K. JAIN, J.]

[T. V. NALAWADE, J.]

ndm