

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1252 OF 2014

Randhirsingh Dilipsingh Patil & Ors.**Petitioners.**

Versus

Chatramal Gokulchand Chajjed & Anr.**Respondents.**

Mr. P.S. Paranjape, Advocate for petitioners.

Mr. G.A. Nagori, Advocate for respondent No. 1.

Mrs. R.K. Ladda, APP for State/respondent No. 2.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 17th April, 2015.

ORDER :

1. The petition is filed for relief of quashing of F.I.R. No. 242/14 registered at Zilla Peth Police Station, Jalgaon for the offences punishable under sections 420, 406, 34 etc. of I.P.C. Both the sides are heard.

2. The crime is registered on the basis of order made by the learned Judicial Magistrate, First Class, Jalgaon in a private complaint filed by respondent No. 1. It is the case of respondent No. 1 that he was supplying goods like cartoon box, corrugated box to the accused/petitioners and that was going on

for about 10 years. He has contended that in the past, the accused were making payment, but they stopped making payment from 27.11.2012. It is the case of complainant that on 27.11.2012, the goods worth of Rs. 12,500/- were supplied, but no payment was made. It is contended that another order was placed on 15.3.2013 and goods worth Rs. 28,240/- were supplied. On this occasion also, no payment was made. In similar way, more orders were placed, but on those occasions also payment was not made and false promise was given that they would make payment in respect of all the dues together. Representation was made that they are not making any such small payment and they would make the payment in lump-sum. It is the case of complainant that when he realized that the accused were avoiding to make payment, he gave notice and asked them to make payment first on 24.11.2013. This notice was served, but no payment was made. More demands were made by the complainant, but no payment was made. It is the case of complainant that false representation was made to him every time of aforesaid nature and he was induced to give delivery and there was dishonest intention of the accused right from the beginning. Even after giving of notice, payment was not made and no response was given to the notice. There is allegation that the value of goods supplied is around Rs.

4,36,722/-.

3. The submissions made show that no pain was taken to respond the correspondence made by the complainant to the accused. There is specific allegation that aforesaid representations were made and there was intention to deceive right from the beginning. It is not disputed that the goods were supplied and on the occasions mentioned in the complaint, there were representations and payments were not made after the date mentioned above. In view of these circumstances, this Court holds that it is not possible to quash the F.I.R.

4. The learned counsel for applicant No. 3 submitted that considering his post, it cannot be said that he was involved in the negotiations. This contention is not acceptable.

5. In the result, the petition stands dismissed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/