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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 237 OF 2015

Haresh Kishin Ailsinghani ...Applicant
versus
Shaheeda Shandar Amrohi and anr.Respondents

Mr. Vineet Naik, senior counsel along with Ms. Sheetal Shah i/b. M/s. Mehta and Girdharlal, advocates for the applicant.
Mr. Subhash Jha along with Mr. Shailendra Singh and Ms. Rushita Jain i/b. Manas and Co., advocate for respondent No.1.
Mrs. P. H. Kantharia, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 5th MAY, 2015.

P.C.:

Heard.

2. The application is filed for quashing the proceedings of FIR No.83 of 2015 registered with Economic Offence Wing, Mumbai for the offences punishable under Sections 406, 420, 465, 467, 468 read with Section 120-B of the Indian Penal Code, 1860.

3. We have perused the copy of the FIR dated 13th February, 2015 registered at the instance of respondent No.1/complainant. Respondent No.1/complainant alleged that one Amrit, friend of her nephew-Bilal,

convinced her to invest money in gold mining company at Madhya Pradesh assuring her good returns. She had no money, Thereafter, the said Amrit told her that she could avail loan by transferring her residential flat in the name of his cousin i.e.applicant who is NRI. It was further alleged that the said Amrit and the applicant assured her that the transaction would be for the purpose of obtaining loan and the respondent No.1/complainant would continue to remain the owner and in possession of the flat in question. It is further alleged that she was under impression that some document like MOU would be executed. However, the said Amrit and the petitioner prepared agreement to sale and when the respondent No.1/complainant and her brother objected, the applicant and the said Amrit represented that such agreement was necessary in order to enable the applicant to obtain loan from the Bank. It was also represented that even though the agreement to sale is executed, the ownership of the flat in question would continue to remain with the applicant. Respondent No.1/complainant further alleged that the amount deposited in her account towards consideration of the said flat was withdrawn by Amrit by using her signatures on the blank cheques.

4. In our considered view, the complaint prima-facie discloses commission of cognizable offence. We are unable to accept Mr.Naik's submission that the allegations made in the complaint are incredible. It is settled principle that the veracity of the allegations cannot be gone into for

the purpose of quashing the FIR. The investigation into the said FIR is still in progress and same cannot be stalled on the presumption that the allegations are false. In the above circumstances, we are not inclined to interfere in the criminal application and the same is, accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)