

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

CRIMINAL APPLICATION NO. 3018 OF 2016

Abhay Sakharampant Bangale & Anr. .. Applicants

Versus

State of Maharashtra & Anr. .. Respondents

.....
Mr Satyajit Bora, Advocate for the applicants
Ms Priti Diggikar, APP for respondent/State
Mr M. G. Biradar, Advocate for respondent No. 2
.....

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.
DATED : 11.08.2016.**

PER COURT :

. Heard.

2. On perusal of the complaint, we found that it does not make out any offence punishable under the provisions of Indian Penal Code.

3. The allegations made are as under : -

Complainant alleged that, he agreed to purchase certain house property from the applicant and his son situated at Vasmat Nagar, Hingoli, for which there occurred an agreement about the

consideration etc. The complainant further alleged that, he has paid substantial amount to the applicants. It was agreed between the parties that, on 31.03.2015, the parties would meet at Sub-Registrar Office, but the complainant did not find applicants there and, therefore, he felt cheated. He came to Police Station and lodged his complaint.

4. In our view, these allegations would, at the most, amount to breach of an agreement for which a suit for specific performance etc. could be filed. By no stretch of imagination any offence seems to have been committed.

5. The Application is allowed in terms of prayer clause 'B' of the application.

[V. L. ACHLIYA]
JUDGE

[A. V. NIRGUDE]
JUDGE