

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4602 OF 2015

Bandu Baburao Mahajan & 2 others

APPLICANTS

V E R S U S

The State of Maharashtra & 2 others

RESPONDENTS

Mr. Anandsing Bayas, Advocate for the Applicants

Mr. S.D. Ghayal, A.P.P. for the Respondents - State

**CORAM : A.V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 22nd February, 2016

PER COURT :

1. This Criminal Application seeks setting aside of First Information Report of Crime No. 3004 of 2015, registered at Shirur Anantpal Police Station, District Latur. Offences alleges against the applications are punishable under Sections 39, 42, 45 and 46 of the Maharashtra Money Lending Regulation Act, 2014.

2. The subject matter of the complaint is a transaction that took place prior to 2007. One Vitthal s/o Kishan Gadime was the complainant. It was his allegation in 2007 that father of Applicant No.1 lent money to him and got his land transferred in favour of a third party etc. According to him, this was a mortgage. Subsequently, he sought redemption of mortgage and he filed suit for cancellation of sale-deed etc. In the plaint of this suit, he made several allegations against Baburao, father of

Applicant No.1 that he indulged in illegal money lending etc. Said suit dismissed in 2014 and thereafter present complaint is initiated. The present complaint appears to us exercise a futility. Complainant had already tried to get his land back by filing a suit. This was a legitimate action and the complainant ought to have continued with this action to put pressure on the applicants who are defending in this case. Criminal complaint is initiated with the help of certain officers of co-operative department. We hold that the complaint was futile exercise of powers given to the Assistant Registrar, Co-Operative Society. We also hold that the complaint deserves to be quashed. In view of above, Criminal Application is allowed in terms of prayer clause 'A'.

(INDIRA K. JAIN, J.)

(A.V. NIRGUDE, J.)