

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 4893 OF 2015

KUNAL S/O PRAKASH PANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Vijay B. Patil.
APP for Respondent No.1 : Mr. K. S. Patil.
Advocate for Respondent No.2 : Mr. Pankaj P. Deshmukh.

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

DATE : 12th January, 2016.

P.C.:

. On perusal of complaint, we realized that the Complainant has a case, which could be filed before the Consumer Forum. No offence as defined under Section 415 is seen to have been committed. Therefore, criminal action started against the Applicants deserve to be set aside. Even the ingredients of offence of forgery are not made in the complaint. We found that there could be a dispute between the consumer and the dealer for which an independent forum is already constituted. The Complainant could not have filed this complaint. The Investigating Officer committed an error in taking the cognizance of this case.

2 Criminal application is allowed in terms of prayer clause (B).

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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