

CRIMINAL WRIT PETITION NO.1495 OF 2015

Versus

The State of Maharashtra and others Respondents

Mr.P.D.Suryawanshi advocate for the petitioners
Mr.S.P.Deshmukh, Assistant Public Prosecutor for Respondent No.1 to 5
Mr. V.D. Salunke, advocate for respondent No.6

CORAM : R.M. BORDE, J &
K.L. WADANE, JJ

Date : 13th APRIL, 2016.

PER COURT :-

1 The petitioners pray for issuance of writ of mandamus, order or direction in the like nature to respondents to register an offence against respondent No.6, under the provisions of Maharashtra Money Lending (Regulation) Act, 2014. The petitioners also pray for issuance of direction to respondent authorities to take decision on the representations tendered by them on 26.10.2015 and 10.11.2015 pending with the respondent authorities.

2 On perusal of the complaint as well as the contentions
raised by the petitioners in the Memorandum of petition, it

transpires that the real cause for presentation of the complaint against respondent No.6 is of a civil character. The petitioners claim to be the owners of the plot No.35. However, there is no evidence in respect of ownership of the petitioners in respect of the aforesaid plot. The petitioners claim entitlement on the basis of agreement to sale which has not been acted upon and the sale-deed has not yet been executed.

3 So far as the allegations made against respondent No.6 that he is a money lender and is acting in violation of provisions of Money Lending (Regulation) Act, 2014 are concerned, the matter was directed to be inquired into by the Competent Authority i.e. the District Deputy Registrar. The District Deputy Registrar, on consideration of the allegations leveled in the complaint and on recording the evidence of various individuals, who are referred to by the petitioners, in the complaint presented by them, has recorded finding that there is no substance in the allegations made by the petitioners that respondent No.6 is indulging in activities in violation of the provisions of the Maharashtra Money Lending (Regulations Act), 2014. The initiation of the proceedings under the Act of 2014 is subject matter of challenge at the instance of respondent No.6 in a Writ Petition bearing No.774 of 2016. This Court has entertained the said petition and has further

restrained the authorities from taking any coercive action against the petitioner therein. However, at the same time, the the District Deputy Registrar was directed to hold an enquiry, which has been conducted by the concerned prescribed authority provided under the Act of 2014 and report of enquiry has been presented to this Court. The copy of the report is taken on record and marked as Exhibit 'X' for identification. The District Deputy Registrar has recorded finding that there is no evidence available against respondent No.6 in respect of indulgence in the activities violative of provisions of Act of 2014. It is also recorded by the the District Deputy Registrar that there is absolutely no substance in the allegations made by the petitioners in the complaint.

4 In view of the report off the the District Deputy Registrar, the request made by the petitioners in the instant petition does not deserve consideration. The writ petition is devoid of substance and hence stands rejected.

(K.L. WADANE, J)

(R.M.BORDE, J)