

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

CRIMINAL WRIT PETITION NO. 1620 OF 2015

Maharashtra Industrial Development .. Petitioners
Corporation & Ors.

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. V.D. Sapkal, Advocate for the petitioners.
Mrs. A.V. Gondhalekar, A.P.P. for respondent/State.
Mr. A.R. Kawade, Advocate for respondent No.2.

**CORAM : A.V.NIRGUDE &
INDIRA K.JAIN, JJ.
DATED : 10.02.2016**

P.C. :-

1. Rule. Rule made returnable forthwith and heard with the consent of learned Counsel for the parties.

2. The complaint as well as order on it dated 5th October, 2015 appears to us sheer abuse of process. Respondent No.2 is complainant. In his complaint he stated that a contract for construction of road was given to his company. After some time, the contract was cancelled and the work was given to a third party offering higher remuneration. Respondent No.2/ Complainant, therefore alleged that the offence was committed. Taking everything stated in the complaint in

verbatim, we do not see any offence punishable under the Indian Penal Code or any other statute is being made out. Learned Magistrate ought to have ignored this complaint. The complaint and proceedings are set aside.

3. The writ petition is allowed in above terms. Rule made absolute accordingly. No costs.

[INDIRA K.JAIN,J.]

[A.V.NIRGUDE,J.]