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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1202 OF 2015

Kalpana Manoj Manudhane

..Applicant.

V/s.

State of Maharashtra and Ors.

..Respondents.

Mr.P.G.Sarda i/b. Mr.Anup A. Lahoti for the applicant.

Ms.S.D.Shinde, APP for respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 1ST FEBRUARY, 2016

P.C. :-

1. Heard learned counsel for the respective parties and learned A.P.P. for the State.

2. The application is filed for quashing the F.I.R. bearing C.R. No.98/2014 for the offence punishable under section 420 read with 34 of the Indian Penal Code. We have perused the F.I.R. F.I.R. reveals that the applicant and her husband are partners in Manoj Trading Company and Manudhane Trading Company. These firms had purchased sugar from Krishna Sahakari Sakhar Karkhana and the amount was to be credited in the bank account of the sugar factory after delivery. Despite the delivery of the sugar, the amount

was not credited. On inquiry, the complainant found that the husband of the applicant along with the entire family had run away. We are of the prima facie opinion that there was intention of cheating on the part of the applicant and husband and, therefore, we are not inclined to interfere in this application.

3. Learned counsel for the applicant submits that the applicant has nothing to do with Manudhane Trading company and her husband was the proprietor of the said Proprietary Firm. However, it is not in dispute that she is the proprietor of Manoj Trading Company. The allegations made in the F.I.R. do show that both Manoj Trading Company and Manudhane Trading Company had entered into transaction and cheated the complainant. Therefore, we find no merit in the application and the same is accordingly dismissed.

4. Needless to mention that the observations made herein is only for the purpose of disposal of the above application and in the event charge-sheet is filed, the trial in the said case will be held in accordance with law without being influenced by the order passed in this application.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)