

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

CRIMINAL WRIT PETITION NO.329 OF 2006

Ravindra Bhaskar Pohekar,
Age 40 years, Occu. Service,
R/o Naygaon, Taluka Muktainagar,
District Jalgaon

.. Petitioner

Versus

1. Sadashiv Shriram Shekokar,
Age 35 years, Occu. Business,
R/o Jyoti Boot House Centre,
Khairnar Complex, Muktainagar,
Taluka Muktainagar,
District Jalgaon

2. The State of Maharashtra,
through the Police Station
In charge Officer, Muktainagar
District Jalgaon

.. Respondents

Mr N.B. Patekar, Advocate h/f Mr P.R. Katneshwarkar, Advocate for
petitioner

Mr Vijay Patil, Advocate for respondent no.1

Mr P.G. Borade, A.P.P. for respondent no.2

**CORAM : T.V. NALAWADE AND
A.M. DHAVAL, JJ**

DATE : 10th October 2017

ORAL JUDGMENT (Per T.V. Nalawade, J.)

1. The petition is filed for quashing of Criminal Complaint No.44 of 2006 filed under provisions of Bombay Money Lending Act, 1946 which is pending the Court of Judicial Magistrate, First Class, Muktainagar.

2. Both the sides are heard.

3. It is contention of petitioner, accused that in view of provisions of filed under Section 2 (g) (f) of Bombay Money Lending Act, 1946, the offence under Money Lenders Act cannot be made out as against the

loan amount of Rs.2 lakhs negotiable instrument like promissory note was executed.

4. There is force in the submissions made by learned Counsel for the petitioner, as admittedly, negotiable instrument was prepared for aforesaid loan amount. Further, the private complaint filed under Section 138 of the Negotiable Instruments Act is disposed of due to settlement between the parties. The record of settlement produced by learned Counsel for the petitioner is taken on record.

5. In view of these circumstances, this Court hold that it will not be proper to allow the prosecution to go on against the present petitioner.

6. As such, the Criminal Writ Petition is allowed. The entire proceedings of R.C.C. No.44 of 2006, pending in the Court of Judicial Magistrate, First Class, Muktainagar, District Jalgaon is hereby quashed and set aside.

7. Rule is made absolute in above terms with no order as to costs.

(A.M. DHAVAL, J.)

(T.V. NALAWADE, J.)