

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 73 OF 2018

Mrs. Deena Atul Sodha ... Applicant

Versus

State of Maharashtra and Anr. ... Respondents

Mr.Kuldeep Patil for the Petitioner.

Smt. S.D. Shinde, APP for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : DECEMBER 05, 2018

P.C.:

The application is to quash the FIR on the ground that it is a counter blast for the offence alleged by the applicant against the brother in law of the complainant/respondent no.2 . The report lodged by the applicant is dated 11/9/2017 and it shows that the petrol pump when allotted to applicant was being managed by one Prakash Pande. It is also claimed that Prakash Pande was given some signed blank cheques and he has withdrawn amounts through the bank account.

2. As against this, in the report lodged on 7.9.2017, respondent no.2 points out the transaction between the parties,

which are of the year 2014. She has shown that the amount of Rs.28 lacs was paid through various cheques to the applicant. She has also pointed out that the amount of Rs. 4 lacs was paid in cash. Here the grievance is when it came to insertion of her name as partner in the dealership business, applicant refused. Later on he disclosed that one Kadam was already made a partner.

3. It is apparent that the report as alleged by respondent no.2 prima facie makes out an offence. As such contentions raised by the present applicant cannot be appreciated at this stage.

4. We however, clarify that the observations made by us are only for the purpose of finding out need of intervention under section 482 Cr.P.C. and shall not eclipse the contention of the applicant before the trial court. We accordingly dismiss the present application.

(SARANG V. KOTWAL, J.) (B.P. DHARMADHIKARI, J.)