

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3544 OF 2015

Navin Hegde and Others.

..Petitioners.

Versus

Mohit Subhash Jain & Another.

..Respondents.

Mr. Mahesh Vaswani I/b Dharini N. Nagda for the Petitioner.

Mr. S. R. Shinde, APP for the Respondent-State.

Ms. Vrushali V. Kabare for Respondent No. 1.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **April 15, 2019.**

P. C. :

1. Heard learned counsel for the Petitioner. The petition is filed for quashing and setting aside the FIR bearing CR. No. 194 of 2015 registered at the instance of Respondent No.1 with Santacruz Police Station, Mumbai on the allegations of commission of an offence punishable under sections 420 and 406 read with 34 of the Indian Penal Code, 1860.

2. The said crime/FIR is already investigated and after completion of investigation, charge-sheet is filed. We have gone through the FIR. It discloses that in the month of March 2013, the Petitioner demanded a sum of Rs.50 lakh from Respondent No.1 by way of hand loan with the promise that within the period of 18 months, he would pay an amount of Rs.80 lakh. The FIR further discloses that the Petitioner also handed over a cheque of Rs.30 lakh to Respondent No.1, which was drawn on State Bank of India, Marine Drive branch. The FIR further discloses that the Petitioner requested

time and again not to deposit the said cheque. Ultimately, Respondent No. 1 realised that in the month of September 2013, the Petitioner has closed their account in the State Bank of India, Marine Drive branch. In addition to this, the Petitioner also closed their office. *Prima facie*, it appears that the Petitioner has closed their bank account and office to defraud Respondent No.1. We *prima facie* see that the Petitioner had an intention to cheat Respondent No. 1 since inception.

3. Mr. Vasavani, learned counsel for the Petitioner also argued that the complaint /letter of Respondent No.1 is registered as FIR under section 154 of Code of Criminal Procedure, 1973. We do not find any merit in the submission. What is required to register an FIR under section 154 of the Code, is that police must receive information regarding the commission of cognizable offence. In the form of said complaint / letter of Respondent No.1, the police found substance of commission of a cognizable offence and therefore rightly recorded the FIR.

4. We find no substance in the writ petition and the same is accordingly dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]