

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7765/2017

Devyani Santosh Sharma and another
..V/s..
Suman Rambhau Jare and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Alok Daga, Advocate for the petitioner.
Shri A.A. Madiwale, A.G.P. for respondent No.2.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 14.1.2020.

1] The petitioners are aggrieved by the issuance of notice dated 15.6.2017 by which the Assistant Registrar, Cooperative Societies, respondent No.2 herein, has initiated a proceeding under Sections 16 and 17 of the Maharashtra Money-Lending (Regulation) Act, 2014.

2] I have considered the submissions of the learned Advocate for the petitioners and the learned A.G.P. on behalf of respondent No.2. Despite service of court notice, respondent No.1 has preferred to remain absent.

3] The record reveals that respondent No.1 along with two persons, Sham Ramrao Deshmukh and

Dilip Tarone, approached the Assistant Registrar, Cooperative Societies with a complaint under the Bombay Money Lenders Act, 1946. By the order dated 19.8.2013 the complaint was dismissed as being without merits. The same complainants then approached the Assistant Registrar, Cooperative Societies with a new complaint and by order date 22.1.2014 the said complaint was also dismissed.

4] The new Maharashtra Money Lending (Regulation) Act, 2014 was introduced on 25.6.2014. The complainants approached the police station for registering a case and by order dated 10.11.2016, the competent Court disposed off the case by concluding that the petitioners deserve to be discharged under Section 249 of the Criminal Procedure Code.

5] In the meanwhile, the complainants approached the trial Court in R.C.S. No.38/2010. On an application Exh.30 filed by the petitioners, the plaint was returned under Order 7 Rule 11 of the Code of Civil Procedure, when the above narrated facts were brought to the notice of the Court. Before this order of the Civil Court could be passed, respondent No.1 once again approached the Assistant Registrar, Cooperative Societies under Sections 16 and 17 of the Maharashtra Money Lending (Regulation) Act, 2014 and respondent No.2 has issued the impugned notice in the said matter.

6] It is, therefore, obvious that the original

complainants, inclusive of respondent No.1 herein, have abused the process of law. Respondent No.2 should have considered the above fact situation when the petitioners filed their written say.

7] Consequently, this petition is **allowed**. The impugned notice dated 15.6.2017 stands quashed and set aside. No costs.

(RAVINDRA V. GHUGE, J.)

Tambaskar.