**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 400 OF 2017

Smt. Sangeeta w/o. Raju Deshpande **....Petitioners.**

Versus

The State of Maharashtra and Ors. **....Respondents.**

Mr. Ajinkya Kale h/f. Mr. Talekar and Associates, Advocate for petitioner.

Mr. A.V. Deshmukh, APP for respondent Nos. 1 and 2.

Mr. A.V. Hon, Advocate for respondent No. 3.

**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**
DATED : 14/01/2021.

ORDER :

1. The petition is filed for relief of quashing and setting aside F.I.R., crime No. 158/2015 registered with Shivaji Nagar Police Station, Latur for offences punishable under sections 406, 420 and 34 of Indian Penal Code. Heard both the sides.

2. The crime is registered on the basis of report given by respondent No. 3. In the report, he has contended that present petitioner and her husband were introduced to him by the maternal uncle of informant at Panvel, New Mumbai. It is contended that after the introduction of the present petitioner by her husband, the husband Raju Deshpande said that they were having business of

builder and developer by name Vishwas Builders and Developers at Dubai, Hydrabad and Mumbai and also in other cities. It is contended that he represented that he was doing many other businesses in different names of business, but at that time he had taken one project at Ulwa at New Mumbai and there the prices of flats were very low. It is contended that the petitioner and her husband represented that the constructions were going on in sector No. 16, 19 and 20 and they actually showed some constructions by taking the informant there.

3. It is contention of the informant that due to aforesaid representation made by the petitioner and her husband, he was impressed and he has discussion with his relatives Sanjay Salunke, Keshav Salunke, Jairam Deshmukh, Vivek Shinde and Martand Shinde and they decided to book the flats in the project of the petitioner and her husband. He has given particulars of the flats booked and the price which were quoted by the developer. It is contended that there was agreement to give 80% of the price amount in cash and only 20% amount was to be given by cheque.

4. It is contention of the informant that after the aforesaid agreement with the petitioner and her husband when Raju went to Latur, he asked informant to come to Latur for making progress in the agreement. It is contended that accordingly informant and Vivek

Shinde met Raju Deshpande at Shivaji Chowk in Udvi Hotel and on that occasion, he paid Rs.1.10 lakh in cash. It is contended that subsequently Vivek Shinde, Martand Shinde, Sanjay Salunke, Keshav Salunke on different occasions, the dates of which are quoted in F.I.R., gave amounts to Raju Deshpande. It is contended that amount of Rs.55 lakh was given to Raju Deshpande and his wife Sangeeta, the petitioner at Latur, Pune and Panvel up to 29.2.2011.

5. It is contention of the informant that on 7.5.2011 in hotel ‘One and Only One Latur’ amount of Rs.11.5 lakh was given to Raju Deshpande in the presence of Jairam Deshmukh and Bhairu Tele and then in the year 2013 the amount of Rs.3.5 lakh was given in the presence of Vivek Shinde and Rajeshwar Chavan by him. It is contended that Martand Shinde and Vivek Shinde gave amount of Rs.10 lakh in the year 2013 to this developer and thus, total amount of Rs.80 lakh was given by them to Raju Deshpande and his wife Sangeeta Deshpande.

6. It is contention of the informant that they had requested the developer to give receipts of the amount, but on every occasion, the developer had avoided to give receipt by saying that he had kept the amount which is safe in Development Credit Bank, Branch Panvel. It is contended that subsequently, the petitioner and her husband stopped accepting calls of the informant and others and

when they met the petitioner and her husband, they used arrogant language. It is contended that after making inquiry the informant and others realized that they were deceived. The report came to be given on 16.8.2015 and the crime came to be registered for aforesaid offences. Photocopy of account extract of the concern of Raju Deshpande is produced in support of the contentions that the amount was credited in that account by the informant.

7. There is photocopy of one so called communication made by the developer and builder to one Ankush Shinde and this document shows that the developer is not disputing the transactions, but on the contrary he has given particulars of the amount spent. Reliance was placed by the learned counsel for petitioner on this document. There is copy of another F.I.R. given by Dilip Jadhav in which Raju Deshpande is shown as accused and it is for similar offences and it appears that the vendor of the land gave this report. Allegation is made that Raju Deshpande and staff of H.D.F.C. Bank had created false account in the bank and that account was used by Raju Deshpande for his transactions. There is copy of another F.I.R. given by Shashikant Patil against Raju Deshpande for offences punishable under section 420 of I.P.C.

8. The learned counsel for petitioner submitted that most of the allegations are against Raju Deshpande, husband of the

petitioner and so, relief needs to be granted to the petitioner. He placed reliance on some observations made by the other bench of this seat in Criminal Application No. 6842/2015 dated 8.9.2016. That proceeding was filed by Raju Deshpande and present petitioner. But, in that proceeding no relief was granted to Raju Deshpande, though it was observed that it was open to the present petitioner to file fresh application.

9. The aforesaid record shows that it cannot be said that there is no material at all against the present petitioner. There are allegations against the present petitioner of aforesaid nature and at this stage, it cannot be inferred that she had not played any role in the transactions. In the result, petition stands dismissed.

[M.G. SEWLIKAR, J.] **[T.V. NALAWADE, J.]**

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