

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

CRIMINAL WRIT PETITION NO.679 OF 2019

Sunil Vasantryao Raut .. Applicant

Versus

The State of Maharashtra and another .. Respondents

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Mr. G. R. Syed, Advocate for applicant

Mr. M. M. Nerlikar, APP for respondent no. 1 - State

Mr. N. T. Tribhuwan, Advocate for respondent no. 2

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**CORAM : SUNIL P. DESHMUKH
AND
NITIN B. SURYAWANSHI, JJ.**

DATE : 7th SEPTEMBER, 2021

PER COURT :

By this petition, relief of quashing of first information report (FIR) bearing crime no. I-46 of 2019 registered with Rahuri Police Station, District Ahmadnagar, for the offences punishable under Section 420, 421 and 422 of the Indian Penal Code, 1860 (IPC), is sought.

2. The second respondent lodged FIR against the applicants alleging that when the property hypothecated by the applicants while obtaining the loan was sought to be attached, certain machinery which were hypothecated in the bank, were not found in the factory.

3. Thereafter, the applicants have cleared all the dues of the bank on 21-05-2021. No-dues certificate is issued to the proprietary concerned of the applicant.

4. In view of settlement of the loan account, continuation of proceedings of the FIR and further proceeding in pursuance of the same would be a futile exercise and it would be an abuse of process of law. The petition is therefore allowed in terms of prayer clause 'B'.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

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