

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

CRIMINAL APPLICATION NO. 2118 OF 2020

Balasaheb s/o Vamanrao Bhosle

..Applicant

Versus

The State of Maharashtra and anr.

..Respondents

Mr P.P. More, Advocate for applicant

Mr Mahendra M. Nerlikar, A.P.P. for respondent no.1

Mr K.G. Gaikwad, Advocate for respondent no.2

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 25th August 2021

PER COURT :

1. Heard finally with consent at the stage of admission.
2. This criminal application is filed for quashing of the F.I.R. bearing No.466 of 2020, registered on 05.11.2020 with M.I.D.C. Police Station, Latur, Taluka and District Latur, for an offence punishable under section 420 of Indian Penal Code, 1860. The applicant is the sole accused in connection with the said crime.
3. The learned Counsel for the applicant submits that this Criminal Application is filed mainly on the ground that the parties have arrived at amicable settlement and respondent No.2 has also filed the affidavit to that effect.
4. The learned Counsel for the applicant submits that the total transaction for selling of the plot is to the tune of Rs.15 lakhs. The learned Counsel submits that in terms of the settlement, as agreed by respondent No.2, the substantial

amount of Rs.12 lakhs has been paid to respondent no.2. However, the remaining amount of Rs.3 lakhs is yet not paid.

5. The learned Counsel for respondent No.2 submits that though in terms of the settlement, the applicant has paid him Rs.12 lakhs out of the amount of Rs.15 lakhs, which is transaction amount, the remaining amount though assured was not paid to respondent No.2. The learned Counsel submits that respondent No.2 has filed the affidavit to that effect. Thus, respondent No.2 is not ready and willing to settle the matter with the informant. The learned Counsel submits that respondent No.2 is a businessman and he has paid the amount of Rs.15 lakhs to the applicant through demand draft. But, the respondent No.2 has received only Rs.12 lakhs out of the said amount of Rs.15 lakhs; there is no settlement as such between the parties at present.

6. The learned A.P.P. submits that the applicant is history-sheeter and there are six crimes registered against him in various police stations in Latur District.

7. We have carefully gone through the allegations made in the complaint. It appears that the applicant claims to be the owner of the plot. The respondent No.2/informant has agreed to purchase the plot for total consideration of Rs.20 lakhs. Thus, respondent No.2/informant has given the demand draft of Rs.15 lakhs to the applicant and it was given to the applicant only for the purpose of verification. However, the applicant has encashed the said demand draft and thereafter, neither shown any document to respondent No.2 pertaining to his title in respect of the said plot nor executed any document. It appears to be clear case of cheating. Prima facie, it appears that since inception, there was intention to cheat respondent No.2. Even though the applicant has repaid certain amount to respondent No.2/informant, however, as informed to us, on

the basis of settlement arrived at between the parties, the applicant got succeeded in getting released on bail. The applicant thereafter has not repaid the entire amount. Consequently, respondent No.2/informant, at present is not willing to settle the matter. Apart from this, we have also gone through the list of the crimes registered against the applicant. There are six crimes registered against the applicant in various Police Stations, including M.I.D.C. Police Station, Shivaji Nagar Police Station, Latur, Police Station, Latur (Rural) etc., for the offences affecting human body or the property. Even, Crime No.157/2011, which is registered in Police Station, Latur (Rural), the applicant is allegedly committed offences punishable under Sections 384, 143, 148, 149 of IPC.

8. It is also reported by the Investigating Officer that there are various civil suits filed against the applicant and those are pending before the Civil Court in Latur district. The Investigating Officer has specifically reported that the applicant is in habit of committing such types of offences.

9. In view of the above, we are not inclined to consider this criminal application for quashing of the F.I.R. Hence, the following order :

ORDER

The Criminal Application is hereby dismissed.

(SHRIKANT D. KULKARNI, J.)

(V.K. JADHAV, J.)

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