

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1397 OF 2021

Gangaram R. Jaiswal ...Petitioner
V/s.
M/s. Sangam CHS Ltd. and ors. ...Respondents.

Mr. Ketan A. Dhavle for the Petitioner.
Ms M.H. Mhatre, APP for the Respondent – State.

CORAM : N.R. BORKAR, J.
DATE : JUNE 19, 2021.

P.C. :

1. This petition takes an exception to the order dated 3.8.2019 passed by the learned Sessions Court at Dindoshi in Criminal Revision Application No. 115 of 2016.

2. The petitioner herein had filed a complaint case against the respondent Nos.1 to 8 herein (original accused Nos.1 to 8) for the offence punishable under section 420 read with 34 of I.P.C. It is alleged in the complaint that the original accused Nos.1 to 4 have approached the petitioner in November 2008 and requested him to find out tenant/licensee for the premises belonging to them. On or about December 2008, accused Nos. 5 to 8 approached the petitioner and requested him to find out commercial premises for them in Andheri (West), Mumbai for the business of accused No.5.

Thereafter, in the second week of January 2009, after several meetings amongst the accused Nos.1 to 8, the proposal was finalised by both the parties. It is alleged that the accused Nos.1 to 8 agree to pay the petitioner brokerage amount of Rs.18,80,000/-. It is further alleged that on 10.11.2009 the petitioner was shocked and surprised to see the board of accused No.5 at the premises in-question. The petitioner, therefore, contacted accused Nos.1 to 8 and asked them to pay his brokerage amount. It is alleged that the accused Nos.1 to 8 refused to pay the said amount and thereby cheated him.

3. The learned Magistrate after hearing the petitioner/complainant and perusing the documents on record refused to issue process against the accused Nos.1 to 8 and dismissed the complaint by order dated 11.2.2016 on the ground that the dispute is of purely civil nature.

4. The petitioner filed the revision application against the order of learned Magistrate dated 11.2.2016 before the learned Sessions Court. By the impugned order, the learned Sessions Court dismissed the criminal revision application filed by the petitioner.

5. The learned counsel for the petitioner submits that the learned Magistrate erred in dismissing the complaint filed by the petitioner. It is submitted that the documents on record would show that the original accused agree to pay sum of Rs.18,80,000/- to the petitioner towards brokerage charges. It is submitted that the accused deceived the petitioner by refusing to pay the said amount.

6] Even if the case of the petitioner is accepted as it is still by no stretch of imagination it would attract offence punishable under section 420 of IPC. The learned Magistrate was therefore, right in dismissing the complaint on the ground that the dispute is of purely civil nature. Hence, no interference is called for in the impugned order. Writ Petition stands dismissed.

[N.R.BORKAR, J.]