

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

CRIMINAL APPLICATION (APL) NO.827/2018

Jaishree Satish Shriramajwar and anr. Vs. State of Maharashtra and ors.

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

Court's or Judge's orders

Shri R. R. Dawda, Advocate for Applicants.
Ms. Mayuri Deshmukh, A.P.P. for Non-applicant No.1/State.
Shri V. N. Patre, Advocate for Non-applicant No.3.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 20/01/2021.

1. Heard.
2. By this application under Section 482 of the Code of Criminal Procedure, the applicants/accused have prayed that the First Information Report No.0248 of 2018 registered against them for the offence punishable under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short "the Act of 2014") be quashed.
3. Various submissions were made on behalf of the applicants/accused, the principal submission being that even according to the non-applicant No.2-Informant and the non-applicant No.3-Complainant, the accusations regarding commission of the offence punishable under Section 39 of the Act of 2014 are against the husband of the applicant No.1 and not against the applicants. It is submitted that the complaint filed by the non-applicant

No.3 shows that the husband of applicant No.1 used to give loan without licence and as security got executed sale-deed in the name of the applicants.

Apart from this, accusations are that the non-applicant No.3 had taken loan of Rs.2,00,000/- and sale-deed of agricultural land came to be executed showing the valuation of the agricultural land as Rs.22,60,000/- and further showing that the entire amount was received by the applicants in cash.

4. With the assistance of learned Advocate for the applicants, non-applicant No.3 and learned A.P.P., we have gone through the complaint and the report of Assistant Registrar, Money Lending. Though *prima facie*, the submission made on behalf of the applicants appears to be appealing, on careful scrutiny of the nature of accusations and the material on record, we find that the complainant and the informant have brought on record the instances of such illegal transactions by the husband of the applicant No.1 and the applicants. In the report of Assistant Registrar, Money Lending, it is recorded that the applicant No.1 in her statement stated that “we” (which means the applicant and her husband) used to give loan.

5. Learned Advocate for the non-applicant No.3 has pointed out that another crime is registered against the applicants and the applicants had filed Criminal Application (APL) No.854 of 2017 before this Court praying that the First Information Report and the charge-

sheet filed in that matter be quashed and this Court refused to interfere in the matter and Criminal Application (APL) No.854 of 2017 was disposed as withdrawn by the order dated 17.09.2019.

6. Learned Advocate for the applicants relied on written statement and affidavit of non-applicant No.3 in which it is stated that the complaint was made by him with the Competent Authority under undue pressure of the Registrar. Without going into the issue of genuineness of such statement and affidavit, at this stage, we refuse to consider such statement and affidavit as serious allegations are made against the government officer and unless the concerned government officer gets opportunity to cross-examine the person who is making such serious allegations, it would not be possible for this Court to draw any inference in the matter.

7. Considering the facts of the case, we are not inclined to abort the proceedings by exercising the jurisdiction under Section 482 of the Code of Criminal Procedure.

8. Hence, the Criminal Application is dismissed.

JUDGE

JUDGE