

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CRIMINAL APPLICATION NO.473 OF 2022

PRAFUL RATNAKAR JOSHI

VERSUS

PRASHANT MANOHAR BAWISKAR

...

Mrs. Sunita G. Sonawane, Advocate for the applicant

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16th JUNE, 2022

PER COURT :

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings against the petitioner/applicant in Summary Criminal Case No.203/2020 pending before the learned Judicial Magistrate First Class, Chopda under Section 138 of the Negotiable Instruments Act.

2 Heard learned Advocate Mrs. Sunita G. Sonawane for the applicant.

3 Perused the order issuing process against the applicant. It appears that the applicant intends to say that he had filed complaint with

District Superintendent of Police, Jalgaon for the alleged illegal money lending business going on in Chopda city and it was prior to the filing of the complaint and then he wants to say that in fact, he has paid substantial amount and there was no such legally enforceable debt or liability to the extent of the cheque amount on the date it was alleged to have been issued.

4 All the above submissions on behalf of the applicant are in respect of disputed fact i.e. the defence of the accused, which he will have to prove at the appropriate stage. That cannot be considered even under Section 482 of the Code of Criminal Procedure. Here, it is to be noted that the statutory notice was issued by the complainant on 14.02.2020 and it is stated that they have been returned as unclaimed by the accused on 22.02.2020 to the complainant and then the alleged application to District Superintendent of Police, Jalgaon has been filed by the applicant on 24.02.2020, may be, to avoid the payment or even to restrain the complainant from filing the complaint. Under such circumstance, when there are disputed facts, this Court will not go into the same. There is nothing in this application, which can be heard at a subsequent stage. It deserves to be rejected. So, it is rejected.

(Smt. Vibha Kankanwadi, J.)