

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

CRIMINAL APPLICATION NO. 631 OF 2022

The Managing Director
Bhuleshwar Sugar Works Ltd. and another ... Applicants

Versus

N. R. Fabricators and Erectors
Through its Director
Shri N. R. Sat[pute ... Respondent

**WITH
CRIMINAL APPLICATION NO. 659 OF 2022**

The Managing Director
Bhuleshwar Sugar Works Ltd. and another ... Applicants

Versus

N. R. Fabricators and Erectors
Through its Director
Shri N. R. Sat[pute ... Respondent

....

Mr. Amol K. Gawali, Advocate for applicants

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CORAM : R. G. AVACHAT, J.

DATED : 29th MARCH, 2022

ORDER :-

. Both these applications under Section 482 of the Code of Criminal Procedure (Cr.PC.) have been filed for quashing of proceedings of summary criminal cases i.e. S.T.C. Nos. 564 of 2016 and 569 of 2016 (cases instituted otherwise than on police report).

2. Heard.

The applicants in both the applications are the Bhuleshwar Sugar Works Limited and its Chairman. Both the cases have been instituted for the offence punishable under Section 138 of the Negotiable Instruments Act. The learned Advocate for the applicants would submit that there is no iota of evidence against the applicants herein. Continuation of both the proceedings would therefore be sheer abuse of process of Court. The applications were therefore moved before the trial Court to dispose of both the proceedings. The trial Court did not grant those applications merely on the ground of want of power under Section 482 Cr.PC.

3. True, under Section 482 Cr.PC., the High Court has inherent jurisdiction to make orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

4. Perused the order dated 31.01.2022 passed by the trial Court on the applications moved by the applicants herein. The applications were strongly opposed by the complainant. From observations in para 5 of the order, it is evident that recording of

evidence in both the criminal cases has been over. The cases were fixed for final arguments. In such a case, it is desirable that the proceedings are taken to their logical conclusion. This Court is therefore not inclined to even issue notice to the respondent. The applications are devoid of merit. The same are, therefore, dismissed.

[R. G. AVACHAT, J.]

SMS