

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

CRIMINAL APPLICATION NO. 1451 OF 2022

Manoj Gokuldas Manudhune,
age: 47 years, Occ: Trader,
R/o Erandol, District Jalgaon.

Applicant

Versus

01 The State of Maharashtra,
through Police Station Officer,
Newasa Police Station,
Taluka Sangamner,
District Ahmednagar.

02 Manjushree Mahesh Karwa,
age: 36 years, Occ: Business,
Proprietor of Ganpati Enterprises,
R/o Sanjivraje Nagar, Girvi Naka,
Near Aparna Apartment, Phaltan,
Taluka Phaltan, District Satara.

Respondents

Mr. Satyajit S. Bora, advocate for the applicant
Mr. S. S. Dande, APP for Respondent No.1.
Mr. S. S. Panale, advocate for Respondent No.2.

**CORAM : V. M. DESHPANDE AND
SANDIPKUMAR C. MORE, JJ.**

DATE: 21st April, 2022.

ORAL JUDGMENT (Per V. M. Deshpande, J.):

1 Rule. Rule made returnable forthwith and heard
finally by consent of learned Counsel for respective parties.

2 Heard Shri Satyajit S. Bora, learned Counsel for the

applicant, Shri S. S. Dande, learned A. P. P. for Respondent No.1-State and Shri S. S. Panale, learned Counsel for Respondent No.2.

3 Shri Panale, learned Counsel for Respondent No.2 has tendered affidavit-in-reply on behalf of Respondent No.2 – original complainant, which is taken on record and marked as Exhibit “X” for the purposes of identification.

4 By filing present application, the applicant is praying to quash the First Information Report bearing Cr. No.368/2021 dated 18.07.2021, registered with Sangamner Police Station for the offences punishable under Sections 406, 420, 507 of the Indian Penal Code.

5 According to the learned Counsel for the applicant, the undisputed fact before this Court is that the applicant is an agent and he had placed an order in respect of supply of sugar with Respondent No.2 and there appears to be non payment of amount to Respondent No.2 towards supply of sugar by the applicant. Respondent No.2, therefore, has filed report against the present applicant.

6 Learned Counsel for Respondent No.2 has invited our attention to paragraph no.4 of the reply of Respondent No.2 to state that the applicant and complainant have settled their dispute out of the Court and some amount, which was outstanding against the applicant is received by Respondent No.2 and post dated cheques are also issued in favour of Respondent No.2.

7 In view of the fact that there was contractual obligation in between the applicant and Respondent No.2 and the applicant has failed to pay the amount towards supply of sugar, the First Information Report was lodged by Respondent No.2 against the applicant. In that context, Respondent No.2 has now received the part payment and for remaining outstanding amount, she has already received post-dated cheques from the applicant with an assurance that those cheques will be honoured and, therefore, she wants to withdraw the complaint.

8 In our view, it is a purely contractual matter and personal dispute between the parties and, therefore, ingredients of offence under Section 406 are not made out.

9 Resultantly, we pass the following order:

- (i) The application is allowed.
- (ii) The First Information Report bearing Cr. No.368/2021 dated 18.07.2021, registered with Sangamner Police Station for the offences punishable under Sections 406, 420, 507 of the Indian Penal Code is hereby quashed and set aside *qua* the applicant.
- (iii) No costs.

(SANDIPKUMAR C. MORE)
JUDGE

(V. M. DESHPANDE)
JUDGE

adb