

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

CRIMINAL APPLICATION NO. 3076 OF 2021

Yogesh Ashokrao Wani

.. Applicant

Versus

Jyoti Sahakari Patsanstha Maryadit, Kopargaon
Through its Authorized Officer
Balasaheb Aasaram Pandav

.. Respondent

Mr. N. S. Shah, Advocate for the Applicant.

Mr. Amol S. Gandhi, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 29th NOVEMBER, 2022.

P. C. :-

1. Heard learned advocate for the applicant.
2. The present application is filed for quashing of the proceedings filed under Section 138 of the Negotiable Instruments Act (for short "N.I. Act") by the respondent. It is the case of the applicant that the loan account was already settled and he was not liable to pay any more amount to the bank.
3. Learned advocate for the applicant submits that the cheque which was given for the security has been misused by the bank and therefore, prays for quashing of the complaint.

4. Heard learned advocate for the respondent. He submits that in fact, the Trial Court has already issued a process pursuant to the complaint. Though the order of issuance of process is not under challenge, the applicant has directly come to this Court by way of filing this application praying for quashment of the complaint itself.

5. It is argued vehemently by the learned advocate for the applicant that in fact, when there is no liability, there is no question of payment to the bank and when there is no liability, no case under Section 138 of the N. I. Act is made out. On a specific query he states that there was a loan taken from the bank. His only submission is that it is already settled. Further specific query was put to him whether he is disputing the cheque or the contents of the cheque. The answer is no. Thus, there is no dispute about the cheque and contents of the cheque.

6. In this view of the matter, this application need not be entertained and deserves to be dismissed.

7. The application is thus dismissed and disposed of accordingly.

(KISHORE C. SANT, J.)

P.S.B.