

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

1030 CRIMINAL WRIT PETITION NO.1866 OF 2022

Dnyandeo @ Dnyaneshwar Annasaheb Pawar

..APPLICANT

VERSUS

1. The State of Maharashtra

2. Ramesh Ramlal Mutha

..RESPONDENTS

...

Advocate for Petitioner : Mr.Shinde Abasaheb D.

APP for Respondent/State : Mrs.V.N. Patil Jadhav

Advocate for Respondent No.2 : Mr.Saurabh S. Monot h/f Mr.Ostwal  
Abhaykumar Dilip

.....

**CORAM : R.G. AVACHAT AND  
SANJAY A. DESHMUKH, JJ.  
DATED : 21<sup>st</sup> SEPTEMBER, 2023.**

**PER COURT :-**

1. Heard.

2. This petition has been filed for quashment of F.I.R. being Crime No.0342 of 2022 registered with Shrirampur City Police Station, Shrirampur, Tq. Shrirampur, Dist. Ahmednagar for the offences punishable under sections 120-B, 192, 403, 406, 409, 418, 420, 421, 424, 467, 468, 469 read with 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 90 of 2023.

3. What can be gathered from the prosecution case is that the

informant/respondent no.2 has raised a loan from Ambika Mahila Nagari Sahakari Path Sanstha (Credit Society). As security for the loan amount, soybean was pledged. Since respondent no.2 defaulted on the loan amount, the Credit Society put the pledged soybean for sale. The present applicant-purchaser purchased the same in an public auction.

4. The learned advocate for respondent no.2 would submit that the duration of loan is for 12 months. Within five months of advancement of loan, the pledged security was put to sell. The soybean could have fetched much more price than the one paid by the applicant herein. Same indicate the applicant and officials of the Credit Society were hand in gloves. According to him, the averments in the FIR make out a case. No mini trial can be conducted here. Therefore, he urged for rejection of the application.

5. Same are the submissions made by the learned APP.

6. Crime came to be registered based on an order passed under section 156(3) of the Criminal Procedure Code. The applicant is an auction purchaser. Public notice of auction sale in daily "Lokmat" was given. True it was a short notice. The challenge, however, has been made to the auction sale a year thereafter. Respondent no.2/borrower did not pay any of the monthly installment towards repayment of the loan. The credit society was, therefore, justified to sell the pledged soybean in public auction. There is also

nothing to indicate that price for which the present applicant purchased the soybean was grossly meagre than the then prevailing market price of the soybean. We fail to understand as to how the petitioner could be said to have committed any offence. We find it to be a fit case to grant relief of quashment of FIR. Asking the petitioner to stand trial based on such material, would be an abuse of process of Court. Interest of justice also demands grant of petition. The petition is allowed in terms of prayer clauses "B" and "BB".

**(SANJAY A. DESHMUKH, J.)**

**(R.G. AVACHAT, J.)**

sga/