



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1623 OF 2022

1. Sangmeshwar s/o. Vyankatrao Thote,
Age : 31 years, Occu. : Driver,
R/o. Nalgir, Tal. Udgir, Dist. Latur.
2. Shivkumar s/o. Vyankatrao Thote,
Age : 36 years, Occu. : Agri – Service,
R/o. Nalgir, Tal. Udgir, Dist. Latur.
3. Ganesh S/o. Havgirao Mirkale,
Age : 46 years, Occu. : Naigaon (Khai),
Dist. Nanded.

... Applicants.
[Accused]

Versus

1. The State of Maharashtra,
Through Police Station Chakur
Tq. Chakur, Dist. Latur.
2. Ram s/o. Manmath Sontakke,
Age : 30 years, Occu. : Driver,
R/o. Tirthwadi, Tq. Chakur, Dist. Latur.

... Respondents.
[Resp. No.2 - Original Informant]

...
Dr. Sahebrao G. Nandedkar, Advocate for Applicants
Mr. S. S. Dande, APP for Respondent – State
...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 9th AUGUST, 2024

ORDER (PER ABHAY S. WAGHWASE, J.) : -

1. All three applicants have preferred instant application under
section 482 of the Code of Criminal Procedure (Cr.P.C.) praying to quash

and set aside the FIR as well as charge-sheet arising out of information at the instance of respondent no.2 herein.

2. Learned counsel for applicants submitted that, false FIR has been filed. That, applicants and informant are relatives. Admittedly, there was hand loan transaction. That, to avoid repayment, false allegations of extortion are levelled. That, dispute if at all is purely of civil in nature. That, merely to harass and to avoid repayment, recourse to criminal proceedings has been taken. That, due to financial difficulties and being in relation monetary help was rendered. Just to avoid repayment, instant crime has been registered levelling false allegations. It is pointed out that, applicant no.3 has no concerned, but he is also implicated. Whatever transactions took place were legal and voluntary. That, whatever agreement took place were in presence of independent witnesses. That, false allegations of money lending business are levelled without any foundation or proof. That, whatever transactions have taken place are in the form of bank transactions. That, the sale transaction of house property also is with full conscious and there was no force as alleged. Learned counsel took us through the annexures comprising of registered sale deed and bank statement. Thus according to learned counsel, present FIR is purely with oblique motive. For all above reasons, learned counsel prays for relief of quashment.

3. After considering the submissions and on going through the documents, there is no need to even issue notice as prima facie from the very FIR, it is emerging that, all details of transactions are reflected in the FIR. Informant has alleged that by use of force and threats, transaction of house property and truck are got done. Informant claims that, excess amount than that was borrowed is extracted from him that too on higher interest. Therefore, crime has been registered on his information for commission of offence under sections 384 and 506 r/w section 34 of IPC. Prima facie ingredients constituting offence are appearing in FIR.

4. Considering the contents of FIR and nature of allegations, this court does not consider it a fit case to extend the benefit of quashment by exercising powers under section 482 of Cr.P.C.

5. The criminal application stands rejected.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)