

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2772 OF 2024

Sagar Balu Shinde

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Kishor Patil, with Mr. Mukund Mane and Mr. Dilip Shinde, for the Petitioner.

Mr. Ajay S. Patil, APP for Respondent No.1-State.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 28th NOVEMBER 2024.

P.C.:-

1) The Petitioner is seeking quashing of the C.R.No. 0722 of 2023 registered at Phaltan City Police Station, Satara on 10th December 2023 for offences punishable under Sections 420, 463, 464, 465, 467, 468 and 471 of the Indian Penal Code, 1860 ('IPC').

2) The gist of the allegations is that the Petitioner has misused the cheque kept in the office signed by the Respondent No.2 herein for Rs.1,95,00,000/-. The Petitioner deposited that cheque and on its dishonour, initiated proceeding under Section 138 of the Negotiable Instruments Act, 1881 ('Act') before the Judicial Magistrate First Class, Pune. Allegations are that this amounts to the various

offences under which the FIR is lodged. The FIR is a result of the order passed by the learned Magistrate under Section 156(3) of the Code of Criminal Procedure, 1971.

4) Learned counsel for the Petitioner submitted that the same subject matter is pending before the Judicial Magistrate First Class in the proceeding under Section 138 of the Act, which was filed by the Petitioner against the Respondent No.2 herein on 16th September 2020. As counter-blast to this proceeding, this false FIR is lodged.

5) Considering his submissions, it is necessary to hear the Respondent No.2 and his case. Hence, issue notice to the Respondent No.2 returnable on 6th February 2025.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)