



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.160/2024

(Bhawani Prasad Laxmiprasad Mishra and another Vs. State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sunil Manohar, Senior Advocate with Mr. A. Waghdhare,
Counsel for the applicants.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 29.1.2024.

Heard.

2. This is an application seeking to quash F.I.R. in Crime No.0014/2024 registered by non-applicant No.1 Police Station Dhantoli, Nagpur for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code.

3. The informant alleges that out of business transaction he got acquainted with applicant No.1 Bhawaniprasad. It is alleged that the applicants induced informant to make huge investment on the promise of higher returns. Believing on said promise informant has invested a sum of Rs.1,34,35,000/-. Moreover at the instance of applicants some others acquainted with him also invested totaling sum of Rs.1,95,35,000/-. It is informant's case that the applicants have returned sum of Rs.47,00,000/- only but the outstanding sum of Rs.87,35,000/- has not been returned on which informant realized that he has been deceived. Hence the report.

4. The applicants learned Counsel would submit that

at the most it was purely a hand-loan transaction. In order to buttress said submission our attention has been invited to a notice dated 13.7.2023 issued by the informant to applicant No.1. We have gone through the notice which plainly reflects money lending transaction. It is submitted that notice nowhere suggests that promises have been made to double the amount. It is pointed out that though the last demand notice was dated 29.3.2023 still for next four months no action was taken.

5. The applicants learned Counsel would submit that even money lending transaction does not surfaces intention to deceive since amount was considerably refunded. In sum and substance, it is a purely civil transaction which does not attract any criminal liability.

6. Issue notice returnable after six weeks.

7. Mr. M.J. Khan, learned A.P.P. waives notice for non-applicant No.1.

8. In the meantime, investigation may go on but chargesheet shall not be filed without obtaining leave of this Court.

(MRS.VRUSHALI V.JOSHI, J.)

(VINAY JOSHI, J.)