



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

CRIMINAL APPLICATION NO.1392 OF 2024

Ketan s/o Ganesh Goenka and anr.

..VS..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri S.S. Sohoni, Advocate h/f Shri P.S. Jaiswal, Advocate for
the applicants.

Mrs. Jachak, Additional Public Prosecutor for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 27/09/2024.

Heard.

2. This is an application seeking to quash the First Information Report No.531 of 2024 registered with the Chikhali Police Station, District Buldhana for the offence punishable under Sections 420, 409 read with Section 34 of the Indian Penal Code.

3. The informant alleges that the applicants have purchased soybean worth Rs.19 lakhs however the amount has not been paid for sold goods and thus, the offence of cheating.

4. Learned Counsel for the applicant would submit that it is a commercial routine transaction, which cannot be termed as an offence of cheating only for non-payment of amount of goods. He would submit that due to financial constraints the applicant was not in a position to pay money for which the civil remedy is available.

5. Apart to show the *bona fides*, the applicant has filed an affidavit stating that he would deposit sum of Rs.1 lakh in this Court without prejudice to the rights, if any. The affidavit is taken on record.
6. Issue notice to the non-applicants, returnable after six weeks. Learned Addl.P.P. waives notice on behalf of the State.
7. In the meantime, investigation may go on but charge-sheet shall not be filed without obtaining leave of this Court against the present applicants.
8. The applicant shall deposit sum of Rs.1 lakh in this Court within two weeks.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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