



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.360 OF 2023

Arpita Madan Ghom,
Age-28 years, Occu:Business,
R/o-Janki Apartment, S-4,
Bhagwat Plot, Akola,
Taluka and District-Akola

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Station, AUSA,
Taluka-AUSA, District-Latur,
- 2) Surekha Vinayak Munjal,
Age-45 years, Occu:Agri.,
R/o-wanvada, Taluka-AUSA,
District-Latur.

...RESPONDENTS

...
Mr. M.P. Tripathi Advocate for Applicant.
Mr. V.K. Kotecha, A.P.P. for Respondent No.1 – State.
Mr. N.Y. Chavan Advocate h/f. Mr. S.P. Urgunde Advocate
for Respondent No.2.

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**CORAM: SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATE : 26th MARCH, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed under Section 482 of the

Code of Criminal Procedure, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 17 of 2022 registered with Police Station, Ausa, Taluka-Ausa, District-Latur on 12th January 2022, for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, and by way of amendment for quashing the proceedings in R.C.C. No. 406 of 2024, pending before the learned Judicial Magistrate First Class, Ausa, District-Latur.

2. Heard learned Advocate Mr. Tripathi for the applicant, learned APP Mr. Kotecha for respondent No.1 and learned Advocate Mr. Chavan holding for learned Advocate Mr. Urgunde for respondent No.2.

3. Learned Advocate for the applicant submits that the present applicant has been arrayed as accused No.3 in the FIR and the charge-sheet. The informant has stated that she had taken information from Panchayat Samiti in respect of manufacturing of incense sticks. It was also stated that bank loan would be made available for purchasing the machine. A group of women was therefore, formed and directors of Antarnad Industries Private Limited , Akola were called to give information

in respect of the machine. Said meeting was attended by all the three accused including the present applicant and it was told, how the machine is advantageous for the said business. The price of the machine was quoted at Rs.1,60,000/-. In the said meeting it was decided that the training would be given and after giving Rs.500/-, certificate would be issued. The company of the accused then promised that the raw material/premix would be given at the rate of Rs.25.20/- and bamboo sticks would be given at the rate of Rs.130.20/-, as per the quantity. The finished product of incense sticks was to be taken by the company of the accused at the rate of Rs.63.45/- as per the quantity. The bond/agreement to that effect was executed on 10th March 2021. The machine was purchased and the raw material was made available. Training was taken. The raw material which was supplied initially was 50 Kg., and accordingly the informant had prepared 104 Kg., incense sticks. She had taken the same to the accused persons office at Yakatpur road. Thereafter again the informant supplied 84 Kg., incense sticks. She was given only Rs.2350/- by the company on 6th December 2021. Thereafter the company had not provided the raw material nor took the finished product from the informant. A meeting was then took place in November 2021, at Shraddha Dhaba, Ausa,

which was attended by the informant, other women etc. The accused persons then again promised that they would supply the raw material and take the finished product. However, in spite of several phone calls, no material was supplied. The informant says that she has been cheated for Rs.24,00,000/-.

4. Learned Advocate appearing for the applicant then submits that though the present applicant was director of Antarnad Industries Private Limited earlier but she resigned from the post on 31st March 2021 and the resignation is uploaded with the Registrar of Companies and it is shown as 19th November 2021. Therefore, question of cheating by the applicant does not arise. The applicant has produced the documents along with the affidavit which were then appearing on the Website of the Ministry of Corporate Affairs on 26th February 2025. For the acts done by the co-accused, the applicant cannot be then held responsible. The statements of the witnesses i.e. like women are stereo type, rather those are copy paste and therefore, with this material, the applicant cannot be asked to face the trial.

5. Per contra, the learned APP as well as learned Advocate for respondent No.2 strongly objected the application and submitted

that all the witnesses and the informant in categorical terms, have stated that the present applicant had attended the meeting in January 2021. She was the director of the company when the agreement was entered into on 10th March 2021. Even in November 2021, when the meeting was held at Shraddha Dhaba, AUSA, it was attended by the present applicant. Therefore, the present applicant is one of the party to cheat the informant and the witnesses. Her subsequent resignation, which she states that she had tendered on 31st March 2021, cannot be considered, as acceptance of the said resignation and its reflection with the Registrar of Companies i.e. communication of the same to the Registrar of Companies has taken place only on 19th November 2021.

6. Here in the present matter, in the FIR as well as in the statement of witnesses, it is specifically stated that when the meeting was held in January 2021, the applicant was present along with co-accused wherein the information regarding the machine was given. The training is stated to have been given between 17th March 2021 to 28th March 2021 and prior to that an agreement was entered into on the bond paper, on 10th March 2021. Certainly, all these events had taken place when the

present applicant was one of the directors of Antarnad Industries. Now, it is for the applicant to prove that she tendered resignation on 31st March 2021. When the company accepted the said resignation, would be a question and there is no document to that effect, produced by the applicant. She states that she tendered the resignation through E-mail on 31st March 2021. Tendering the resignation by itself will not absolve the applicant. It would be the acceptance of the same by the company and its reflection or intimation to the Registrar of the Companies. In the affidavit itself, the applicant has stated that the change effected in the constitution of directors of Antarnad Industries was shown by the Registrar of Companies on its Website whereby the uploading has been done by the Registrar of the Companies stating that the applicant ceased from the post of director of the company from 19th November 2021.

7. When certain facts are required to be proved, especially the date on which the resignation of the applicant was accepted, then we do not take this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Even if it is accepted that the applicant stood retired

from the directorship of her company from 31st March 2021, yet her participation in the earlier events may not absolve her.

8. Hence, the Application stands rejected.

9. We make it clear that the observations in the present order are *prima facie* observations and the learned trial Court should not get influenced by the same at the time of final decision in the matter.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/APR25