



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CRIMINAL APPLICATION NO.250 OF 2025

ANIL MANOHAR KHADSE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Y.H. Jadhav, Advocate for applicant

Mr. S.A. Gaikwad, APP for respondent No.1

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 03rd FEBRUARY, 2025

ORDER :

1 Present application has been filed for quashing proceedings in Regular Criminal Case No.24/2022 pending before learned Judicial Magistrate First Class, Bhusawal, Dist. Jalgaon arising out of First Information Report vide Crime No.459/2020 dated 07.12.2020 registered with Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon, for the offence punishable under Section 420, 406 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. Y.H. Jadhav for applicant and

learned APP Mr. S.A. Gaikwad for respondent No.1. There is no necessity to issue notice to respondent No.2.

3 Learned Advocate for applicant has taken us through contents of First Information Report and charge sheet. He submits that First Information Report is based on concocted story. It is civil in nature and perusal of bank record i.e. bank statement of informant, it can be seen that he had transferred the amount of Rs.2,12,000/- twice, though this applicant had transferred the said amount back to informant. The applicant is doing business of preparing project report, which would be helpful to his customers for start up and to obtain loan. But he used to charge his fees that is service charge only after the loan is sanctioned. Here, no such fact has taken place and informant had transferred that amount in advance and had stated that it is the service charge that is paid by him. In fact, when applicant could get the design of the informant, he had given statement to police on 12.03.2020, wherein all the details are mentioned. A complaint was also filed by present applicant with Police Inspector, Ajni Police Station, Nagpur and then he has filed private complaint/application i.e. Criminal Case No.3208/2022 before the Chief Judicial Magistrate, Nagpur praying that process be issued against respondent No.2 informant. The present First Information Report is nothing but the counterblast and, therefore, it would be unjust to ask applicant to

face the trial.

4 The important point to be noted is that prosecution story in the present case is that respondent No.2, who is a pensioner and guides people for start up and take seminar as to how they can become entrepreneurs, then on the invitation given by applicant he says that he had gone to Nagpur on 18.10.2019, wherein representation was made by applicant that he has taken a plot in M.I.D.C., Bhusawal, wherein he would be starting a company, for which he would be in need of loan of Rs.1,50,00,000/-, but he has no financial capacity right then. Thereafter, he says that friendly relations and trust relations developed between him and applicant and applicant had instigated him to transfer the amount. The transfer of amount is on two occasions. He has given details as to how he has been cheated and how his amount has been misappropriated by applicant. Thus, there is a story behind First Information Report and now since the charge sheet is produced, it can be seen that there are supporting statements under Section 166 of the Code of Criminal Procedure.

5 Applicant is coming with a different story. He has also filed private complaint based upon his story and he states that he has supporting documents. Under such circumstance, when the case becomes disputed

question of facts, that cannot be gone into under the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Therefore, we reject the application at threshold.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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