



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

47 CRIMINAL APPLICATION NO. 295 OF 2025

HARSHAL CHANDRAKANT PATIL

VERSUS

BHUSHAN GIRIDHAR PATIL

Mr. C.C. Deshpande, Advocate for the applicant.

Ms. Monica R. Dahat, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.

DATE : 14.07.2025

PC :-

01. Heard learned Advocates for the parties for some time. Present application is filed by accused No.4 in SCC No. 1084 of 2021, pending before learned JMFC, Dhule. The applicant is facing trial for an offence punishable under section 138 of the Negotiable Instruments Act. Learned Advocate for the applicant submits that by looking at the complaint, it is clearly seen that no any role is attributed to accused No.4. The cheque is signed only by accused No.1. Other accused Nos. 2 and 3 have already been discharged. Learned Advocate has placed on record an order passed by this Court in Criminal Application No. 3710 of 2023 dated 08.05.2024 in respect of accused No.2. This Court mainly considered that there are no sufficient averments showing involvement of accused No.2 in the complaint. This Court also directed to expedite the Trial. He thus submits that so far as accused No.2 and the present

applicant are concerned, averments are only that they share common intention with accused No.1. The cheque is signed only by accused No.1. Even as per the allegations, he submits that accused Nos. 2,3 and 4 stand on same footing and thus present applicant deserves to be discharged.

02. Learned Advocate for the respondent strenuously argued that the order of issuing of process is passed on 26.10.2021. Thereafter, now the Trial has began. Two witnesses are already examined. Summons is issued to third witness. Thus, it is not the stage at which the application for quashing can be entertained. After the evidence is started, the complainant should get an opportunity to prove his case. She thus prays for rejection of this application.

03. After hearing both the sides, it is seen that the order issuing of process is dated 26.10.2021. The proceeding is quashed against accused No.2 by order dated 08.05.2024. Present applicant has approached this Court by filing application on 07.01.2025. Considering that now the proceeding has already commenced and the witnesses are being examined, this Court hardly finds any reason to call for interference at this stage.

04. Considering the above, this Court is not inclined to allow this application. Therefore, the Criminal Application is dismissed.

05. The Trial is already expedited by this Court. It is expected of the Trial Court to finish the Trial as early as possible.

[KISHORE C. SANT, J.]