



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 CRIMINAL WRIT PETITION NO. 611 OF 2023

SANJAY RAMDAS MOKATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sambhaji B. Tarde – Advocate for Petitioner

Mr. S.N. Morampalle – APP for Respondent No.1, State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 17.11.2025

PER COURT :

1. Heard.

2. The petitioner has challenged the order dated 16.02.2023 rendered in Cri.M.A. No.55/2022 passed by learned Judicial Magistrate First Class, Ahmednagar, dismissing the complaint presented by the petitioner as per Section 203 of the Criminal Procedure Code (“Cr.PC.” for short) and prayed to issue process against respondent Nos.2 to 6.

3. The present petitioner filed a private complaint against the accused i.e. respondent Nos.2 to 6 for the offences punishable under Section 323, 504 and 506 read with 34 of the Indian Penal Code. It is alleged that the complainant had given an amount of Rs.60,000/- (rupees Sixty Thousands only) each to the accused as labour charges for cutting of cane. Moreover, the complainant paid an amount of Rs.4,00,000/-

(rupees Four Lacs only) to respondent No.2 as an agent to procure labourers. However, the accused neither carried out the work nor repaid the amount to the complainant. Subsequently, the complainant demanded repayment of the same from the accused. Due to which a scuffle ensued between the complainant and accused. Therefore lodged the report to the police, a N.C. report dated 05.01.2022 was filed. Based on the same, the private complaint was preferred before the learned J.M.F.C.

4. The learned J.M.F.C. duly considered the contents of the complaint and recorded the statement of verification of the complainant. Accordingly, recorded that there was no sufficient material to prove the ingredients of the aforesaid offences against the accused, therefore, passed the order dismissing the complaint. Aggrieved by the same, the present petition is presented under Article 226 and 227 of the Constitution of India.

5. Learned Counsel for the petitioner submits that the learned J.M.F.C. has erred while passing the order under challenge. The verification statement and documents relied upon by the complainant are not properly appreciated by the learned J.M.F.C. As such, prayed to allow the application.

6. Learned A.P.P. has opposed the petition and supported the order

under challenge.

7. Perusal of the complaint and verification statement of the complainant indicates that the allegations against the accused are vague and omnibus in nature. Apart from the oral statement of the complainant, there is nothing on record to conclude that the offences punishable under Section 323, 504 and 506 read with 34 of the Indian Penal Code are made out.

8. Apart from above, the complainant in his verification statement has specifically stated that the accused had given him cheque towards security and were asking the complainant to return the cheque. Hence, the complaint came to be lodged. As such, it is evident that the attempt is to give the cloak of criminality to the incident of civil nature.

9. Thus in the absence of specific allegations against the accused and considering the material record the learned J.M.F.C. has properly rendered the order under challenge dismissing the complaint. Resultantly, no error could be noted warranting interference in the well reasoned order passed by the learned Judicial Magistrate First Class.

10. Accordingly, the Writ Petition is dismissed.

[SACHIN S. DESHMUKH]
JUDGE