



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2028 OF 2025

Ambadas Sugriv Jadhav,
Age 44 yrs., Occ. Business & Agri.,
Prop. of Shri Dipak, Kiran Bhusar and Oil Merchant,
R/o Hangarga (Shirshi), Tq. Nilanga,
Dist. Latur.
At present r/o Near Bharat
Petrol Pump, Vidya Nagar,
Nilanga, Tq. Nilanga, Dist. Latur.

... Applicant

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Nilanga,
Tq. Nilanga, Dist. Latur.
- 2 Rekha Baburao Botre,
Age 41 yrs., Occ. Business,
R/o Vitthal Nagar, Shirur,
Tq. Shirur, Dist. Pune.

... Respondents

...

Mr. S.S. Gangakhedkar, Advocate for applicant

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

Mr. Shritej Surve, Advocate h/f Mr. A.A. Yadkikar, Advocate for respondent

No.2

...

**CORAM : SMT. VIBHA KANKANWADI &
SUSHIL M. GHODESWAR, JJ.**

RESERVED ON : 22nd AUGUST, 2025

PRONOUNCED ON : 09th OCTOBER, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashment of First Information Report vide Crime No.7/2025 dated 07.01.2025 registered with Police Station, Nilanga, Tq. Nilanga, Dist. Latur, for the offence punishable under Sections 403, 420, 465, 467, 471 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. S.S. Gangakhedkar for applicants, learned APP Mr. S.A. Gaikwad for respondent No.1 and learned Advocate Mr. Shritej Surve holding for learned Advocate Mr. A.A. Yadkikar for respondent No.2.

3 Learned Advocate for applicant has taken us through the contents of First Information Report and submits that applicant was in acquaintance with respondent No.2 and her husband, who are Director and Chairman of 'Omkar Sugar Factory Private Limited, Chandapuri'. In

furtherance of business relations between applicant, respondent No.2 and her husband, routine commercial transactions had taken place. Respondent No.2 and her husband were in dire need of financial assistance for developing their sugar factory business and accordingly requested applicant to assist them financially and based upon same financial exposure was requested. After deliberation between the parties respondent No.2 and her husband had assured that they would supply sugar product of their factory to applicant in furtherance of assistance. Accordingly, applicant transferred the amount of Rs.7.26 Crores in the account of respondent No.2, her husband and/or sugar factory through cheques as well as RTGS. In furtherance of amount transfer, an agreement was executed in favour of applicant by respondent No.2, her husband as well as sugar factory on 21.05.2021 in presence of two witnesses and it was got notarized. In view of said agreement respondent No.2, her husband and sugar factory were under obligation to supply sugar as agreed and it was also agreed that in case of failure to supply sugar, the amount would be remitted with 12% interest. It is stated that respondent No.2 failed to standby with the terms of agreement. It is stated that till 21.04.2022 an amount of Rs.6.86 Crores is remitted through RTGS and balance amount of Rs.2.23 Crores would be repaid in the form of two cheques drawn on 30.09.2022 in State Bank of India, Kharadi Branch, Pune. It is stated that cheques given were dishonoured upon its presentation on 10.10.2022 and

accordingly after due compliance of demand notice applicant filed proceedings under Section 138 of the Negotiable Instruments Act on 30.12.2022 against respondent No.2, her husband and sugar factory. Respondent No.2 and her husband had even appeared before learned Magistrate and filed application Exh.39 on 30.11.2023 for dropping the proceedings against them and application was stated to be under Section 255 of the Code of Criminal Procedure, which came to be rejected on 30.11.2023. Then she approached this Court by filing Criminal Application No.503 of 2024, which was got withdrawn after disinclination on 31.01.2024. It is stated that after losing the battle before this Court, husband of respondent No.2 lodged First Information Report vide Crime No.274/2024 on 12.08.2024 against applicant and four others as well as respondent No.2 filed present First Information report vide Crime No.7/2025 on 07.01.2025. The matter is arising out of a commercial transaction. It has been further submitted that in fact, when husband of present respondent No.2 had already lodged First Information Report vide Crime No.274/2024 on 12.08.2024, then on the same set of facts this second First Information Report was not maintainable on 07.01.2025. All the contentions which she has raised now in this First Information Report were available to her when her husband lodged the earlier First Information Report. Therefore, it would be unjust to ask the applicant to face the investigation and trial.

4 Per contra, learned APP for respondent No.1 and learned Advocate appearing for respondent No.2 submit that present First Information Report is restricted to two cheques, those were allegedly issued. In fact, those were in possession of applicant by committing theft, for which there has to be a thorough inquiry and investigation.

5 Here, it is to be noted that even as per First Information Report vide Crime No.274/2024 the husband of informant had taken amount of Rs.10,00,000/- each from applicant Nos.2, 4 and 5 and an amount of Rs.36,00,000/- from applicant No.3 in Criminal Application No.3700 of 2024. According to him, all these persons had taken the said amount as they wanted final product sugar for business. That means, he intended to say that it was the price of sugar that was to be supplied. So, it becomes a commercial transaction. Then he says that after he received notice from Nilanga Court on 04.05.2024, he realized that certain documents have been forged. In fact, from the copy of complaint in S.T.C. No.1/2023 pending before Judicial Magistrate First Class, Nilanga and order passed by learned Magistrate issuing process against husband of respondent No.2 on 24.02.2023 he ought to have realized about the documents. Respondent No.2 and her husband had even appeared before learned Magistrate and filed application Exh.39 on 30.11.2023 for dropping the proceedings against them

and application was stated to be under Section 255 of the Code of Criminal Procedure, which came to be rejected on 30.11.2023. Then he approached this Court by filing Criminal Application No.503 of 2024 which was got withdrawn after disinclination on 31.01.2024.

6 Further, those contentions which are now taken in the present First Information Report were available and were within the knowledge of husband of respondent No.2 when he lodged First Information Report vide Crime No.274/2024. Further, from the application which is alleged to be under Section 255 of the Code of Criminal Procedure, it can be seen that original accused No.3 i.e. present respondent No.2, accepts that she had issued cheque in her individual capacity and then it is stated that there is civil dispute between them. Now, in present First Information Report it is tried to be stated that those cheques were dishonestly taken away. The competent Court rejected application Exh.39. Criminal Application No.503 of 2024 was withdrawn by respondent No.2. When contrary stories have been posed and story in subsequent First Information Report was available for agitation at the time of first FIR, yet those contentions were not taken, then subsequent First Information Report is not maintainable, in view of the decision in **T.T. Antony vs. State of Kerala and others** [(2001) 6 SCC 181]. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) First Information Report vide Crime No.7/2025 dated 07.01.2025 registered with Police Station, Nilanga, Tq. Nilanga, Dist. Latur, for the offence punishable under Sections 403, 420, 465, 467, 471 of the Indian Penal Code, 1860, stands quashed and set aside as against applicant viz. **Ambadas Sugriv Jadhav**.

(SUSHIL M. GHODESWAR, J.)

(SMT. VIBHA KANKANWADI, J.)

Date : 09.10.2025

Later on :

6 Learned Advocate for respondent No.2 prays that the effect of the order be kept in abeyance in order to enable respondent No.2 to approach the Hon'ble Supreme Court.

7 In view of the fact that we have found that the case is within the parameters of **State of Haryana and others vs. Chh. Bhajan Lal and others** [AIR 1992 SC 604], then the only result would be quashing of First Information Report and, therefore, his request cannot be granted. Oral request is, therefore, rejected.

(SUSHIL M. GHODESWAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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