IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO. 2175 OF 2019

Arpan Kamalkishor Goyal and another
VERSUS
The State of Maharashtra and another
...
Advocate for Applicant : Mr. Vishal A. Bagdiya
APP for Respondent No.1: Mr. A.M. Phule
Advocate for Respondents : Mr. S.S. Patil
.....

CORAM : SMT. VIBHA KANKANWADI AND SANJAY A. DESHMUKH, JJ.
DATED : 28th FEBRUARY, 2025

PER COURT :-

1. The present application has been filed initially for quashing of the F.I.R. vide C.R.No. 202 of 2019 registered with Chandanjira police station, Jalna and later on by way of amendment, quashment of the proceeding in R.C.C.No. 560 of 2019, pending before the learned 2nd Joint J.M.F.C. Jalna for the offences punishable under sections 406, 420, 468, 471 r.w. 34 of I.P.C.

2. Heard Mr. Bagadiya, learned advocate for the applicants, leaned A.P.P. for respondent No.1 State and Mr. Patil, learned advocate for respondent No.2.

3. Learned advocate for the applicants has taken us through

the contents of the F.I.R. and the charge sheet. He submits that the informant has stated that his company has supplied material worth Rs.1,73,090/- to the applicants and after the amount/price of the materiel was called or demanded, then it was avoided. When the informant had personally met applicant No.1, at that time, it was told that he is a journalist, he will not give the amount and the informant would be at liberty to take any action. All these contents do not prove ingredients of the offence. Even in the charge sheet, the statements of witnesses are on the same line. Even GST amount has been encashed by the informant's company. The applicants have maintained the account of informant company and it shows that furniture was supplied and the transaction dated 26.01.2018 would show the sales about the said furniture amount of Rs.1,72,870/-. Therefore, it is a civil transaction which has been given a colour of criminal proceeding.

4. The contents of the F.I.R. are already reflected above, however, we are required to consider other material which is on record in the charge sheet. There is a supplementary statement recorded of the informant wherein it is stated that the informant has come to know from other companies situated in new M.I.D.C. Jalna that the applicants had purchased mill scale (black soil) from other companies also and in respect of the transactions with other

company, F.I.R. vide C.R. No. 383 of 2018 under Sections 420, 406 r.w. 34 of I.P.C. came to be lodged on 17.11.2018 and even that company had given amount of Rs.24,76,566/- through RTGS in the account of accused but the accused has not paid the amount and he is avoiding on the pretext that he is a reporter. It appears that during the investigation, the investigating officer had taken a note of the statement of accused that he had supplied grill to the informant company worth Rs.1,72,870/- and he had tried to investigate that point also but the accused has not co-operated with the investigating agency. Thereafter, the GST office had given information regarding the payment of GST but it has been reported that the invoice number is not matching. Therefore, it is stated that duplicate/fabricated bill has been prepared in order to cheat. Now though the dispute has a civil colour, yet fabrication of documents cannot be considered in a civil proceedings. Which documents were fabricated and how the documents will then be proved would be a matter of trial. There are statements of witnesses and even the investigation in respect of supply of the grill has also been recorded and those witnesses have stated that no such grill has been supplied.

5. Learned advocate for respondent No.2 submits that now the charges have been framed and the evidence is part heard. Under circumstances, we do not think that this is a fit case where we can

exercise our powers under Section 482 of the Code of Criminal Procedure, as there are disputed facts. The application stands rejected.

(SANJAY A. DESHMUKH, J.) **(SMT. VIBHA KANKANWADI, J.)**

rlj/