



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3700 OF 2024

- 1 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.
- 2 Kavita Prakash Solapure,
Prop. of Snehadeep Trading Company,
Age 41 yrs., Occ. Business and Household,
R/o Nilanga, Tq. Nilanga, Dist. Latur.
- 3 Laxmikant Rameshwar Kaliya,
Prop. of Chandrakant Trading Company,
Age 54 yrs., Occ. Business,
R/o Shop No.A-24, Market Yard,
Kavha Road, Latur, Tq. & Dist. Latur.
- 4 Mahadev Sidramappa Gattate,
Prop. of Basweshwar Agency,
Age 37 yrs., Occ. Business,
R/o Bank Colony Road,
Anand Nagar, Nilanga,
Tq. Nilanga, Dist. Latur.
- 5 Prakash Sidramappa Solapure,
Prop. of PS Solapure Kirana Stores,
Age 46 yrs., Occ. Business,
R/o Datta Nagar, Nilanga,
Tq. Nilanga, Dist. Latur.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Nilanga,
Tq. Nilanga, Dist. Latur.
- 2 Baburao Dadasaheb Botre,
Chairman of Onkar Sakhar Karkhana
Private Limited,
Age 43 yrs.,
R/o Vitthal Nagar, Shirur,
Tq. Shirur, Dist. Pune.
And also at Dr. Shivajirao Patil
Nilangekar SSK Limited at Zhari,
Jajnur, Tq. Nilanga, Dist. Latur.

... **Respondents**

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Mr. S.S. Gangakhedkar, Advocate h/f Mr. Ganesh Yadav, Advocate for
applicants

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

Mr. Shritej Surve, Advocate h/f Mr. A.A. Yadkikar, Advocate for respondent
No.2

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**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.274/2024 dated 12.08.2024 registered with Police Station, Nilanga, Tq. Nilanga, Dist. Latur, for the offence punishable under Sections 420, 467, 468, 471, 472 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. S.S. Gangakhedkar holding for learned Advocate Mr. Ganesh Yadav for applicants, learned APP Mrs. Priya R. Bharaswadkar for respondent No.1 and learned Advocate Mr. Shritej Surve holding for learned Advocate Mr. A.A. Yadhikar for respondent No.2.

3 Learned Advocate for applicants has taken us through the contents of First Information Report and submits that though the alleged occurrence of the offence had started from 25.03.2021 till 04.04.2024, First Information Report has been lodged on 12.08.2024. There is no explanation for the delay. Further, First Information Report would show that already present applicant No.1 had approached the Civil Court and matter is subjudice. Respondent No.2 then states that after he received the notice from Court, he felt that he has been cheated. That means, the alleged cheating is not since beginning. Which documents have been forged have not been clearly stated. In fact, this applicant No.1 had also filed S.T.C. No.1/2023 on 02.01.2023 under Section 138 of the Negotiable Instruments Act, 1881 and

process has been issued by learned Magistrate on 24.02.2023. The matter is arising out of a commercial transaction. Suit for recovery of Rs.55,00,000/- has been filed before learned Civil Judge Senior Division, Latur i.e. Summary Suit No.7/2024 and, therefore, it would be unjust to ask the applicants 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 real transaction appears to be different. Informant has specifically stated that he had taken sugar factory from Government on rental basis in 2022. But since present applicant No.1 had the intention to join respondent No.2 as partner and respondent No.2 had no intention to take him as partner, though he had taken the amount from certain persons and he had repaid it, then certain forged documents appeared to have been prepared, 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 the 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. 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 respondent No.2 on 24.02.2023 he ought to have realized about the documents. Respondent No.2 had even appeared before learned Magistrate and filed application Exh.39 on 30.11.2023 for dropping the proceedings against him 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. Further, when the dispute has been taken to Civil Court by filing summary suit, when the fact is admitted that amounts were taken, then it would be a disputed question, which can be gone into by Civil Court and afterthought First Information Report cannot be allowed to continue. Therefore, the application deserves to be allowed. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) First Information Report vide Crime No.274/2024 dated

12.08.2024 registered with Police Station, Nilanga, Tq. Nilanga, Dist. Latur, for the offence punishable under Sections 420, 467, 468, 471, 472 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Ambadas Sugriv Jadhav**, 2) **Kavita Prakash Solapure**, 3) **Laxmikant Rameshwar Kaliya**, 4) **Mahadev Sidramappa Gattate** and 5) **Prakash Sidramappa Solapure**.

(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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