IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3013 OF 2023

Balu Vishnu Take
Age 50 years, Occ. Agriculture
R/o. Jeur-Haibati, Tq. Newasa
District Ahmednagar ...Applicant

Versus

1. The State of Maharashtra

2. Jitendra Sandu Pawar
Age 48 years, Occ. Service
R/o. Office of Assistant Registrar
Co-operative Societies, Newasa,
District Ahmednagar ...Respondents

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Mr. Swapnil Telang h/f Mr. Satej S. Jadhav, advocate for the applicant
Mrs. P.R. Bharaswadkar, A.P.P. for respondents

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CORAM : SMT. VIBHA KANKANWADI AND SANJAY A. DESHMUKH, JJ.
DATED : 18th AUGUST, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocate for the applicant and learned A.P.P. for the respondents.

2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing the F.I.R. vide C.R. No. 389 of 2023 registered with Newasa police

station, Tq. Newasa, District Ahmednagar for the offences punishable under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short “the Act of 2014”) and the consequential criminal proceeding bearing R.C.C. No. 201 of 2024 pending before the Judicial Magistrate, First Class, Newasa, district Ahmednagar.

3. The informant averred in the report that he is authorized officer from the office of Assistant Registrar, Co-operative Societies, Newasa, District Ahmednagar. He received a letter bearing outward No. 352 of 2023 dated 13.3.2023 informing him that illegal money lending business is going on at Newasa, which is against the provisions of the Act of 2014. One Bapusaheb Mohan Londhe lodged a complaint to his office on 21.6.2022 about money lending against the applicant. Accordingly, he issued notice to the complainant directing him to remain present with necessary evidence, if any. They produced the evidence against the applicant and his wife. A photo copy of a stamp paper was produced on which an agreement was executed by the applicant in favour of the complainant. In the said agreement, the applicant asserted that he is a relative of Bapusaheb Londhe and he had given Rs.4,00,000/- on interest on 8.3.2013 and for the security of the said amount, he had executed the sale deed of the agricultural land bearing Block No. 38 admeasuring 0.78 Hectare in favour of his wife Sunita Balu Take. He agreed that after the entire amount is paid back to him, the said land

will be returned to the original owner by a sale deed with his own expenses. He agreed that he will not transfer that land by way of mortgage, gift, sale or other mode. The said document is signed by both the parties and witnesses Narayan Vakilrao Londhe and Amol Dnyandeo Pawar. Accordingly, the witnesses who had signed that document were called in the office for hearing. They have filed their affidavits asserting the fact of execution of that agreement.

4. The informant further averred that after considering entire evidence of both sides, he found that the alleged transaction of sale was result of illegal money lending. Therefore, he lodged the report against the applicant under section 39 of the Act of 2014.

5. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. The said money lending transaction is of the year 2013 and the stamp used for the transaction is of the year 2016. The Act of 2014 has been amended in the year 2014 and therefore, the said transaction dated 8.3.2013 cannot come within the purview of Section 39 of the Act of 2014, as the said Act of 2014 cannot be made applicable retrospectively to the case in hand. The learned advocate for the applicant therefore, prayed to quash the report and the consequential proceedings.

6. Learned A.P.P. for the State strongly opposed the application and submitted that the applicant is involved in a serious

crime, which is anti social crime against the agriculturists/farmers. The informant authority has given opportunity to both sides to lead their evidence and thereafter the report is lodged. There is strong material against the applicant to proceed further with the trial. It is lastly prayed to reject the application.

7. Here, it would be relevant to refer to the decision of the Division Bench of this Court in the matter of ***Baliram Ashroba Kadape and others vs State of Maharashtra and others, reported in 2018 All MR (Cri) 2701***, in which this Court held that the provisions of Section 39 of the Act of 2014 does not have retrospective operation. It was further held that as per the Bombay Money Lenders Act, 1946, the offence of money lending without licence was an offence under Section 32B of the Act of 2014. It was further held that as per the Bombay Money Lenders Act, 1946, the offence of money lending without licence is covered under Section 32B of the Act of 2014. The offence under Section 30B is not a cognizable as per Section 35A of the Act of 2014. Lastly, it was held that the F.I.R. could not have been registered for offence under Section 32B of the said Act of 2014 and therefore, the F.I.R. was quashed.

8. This court in the case of ***Bhanudas Baburao Dalve vs. State of Maharashtra and another (Criminal Application No.3426 of***

2022 decided on 25.11.2024) held that Section 39 of the Act of 2014 does not have retrospective operation.

9. We have perused the report and entire charge sheet. The complaint was made to the authority by Mohan Bapusaheb Londhe alleging that the agreement was executed by the applicant in his favour on 8.3.2013 that after receiving consideration amount of Rs.4,00,000/- back, he is ready to execute the sale deed of the land Block No. 38 admeasuring 0.78 Hectare in favour of original owner again. This shows that it is an old transaction which took place before the enactment of the Act of 2014. The Act of 2014 came into existence from 16.01.2014. The alleged transaction took place on 8.3.2013, the said Act of 2014 cannot be made applicable retrospectively and even if the applicant was to be prosecuted under the erstwhile Bombay Money Lenders Act, 1946, which has now been repealed by the Act of 2014, the FIR is not maintainable, as the offence is not cognizable as per the old Act. Not only this, as per the old Act, considering the punishment of two years prescribed under section 32 of the Act of 2014, the report is barred by the limitation as per sub-section (2)(c) of Section 468 of the Cr.P.C. Considering all these reasons we are of the view that the lodging of the F.I.R. against the applicant is not maintainable as the Act of 2014 cannot be made applicable retrospectively to the case in hand.

10. Therefore, considering the ratio laid down in the above authorities and the aforesaid reasons, compelling the applicant to face the trial would be an abuse of process of the Court. The case is made out for exercise of powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

I. The application stands allowed.

II. The F.I.R. vide C.R. No. 389 of 2023 registered with Newasa police station, Tq. Newasa, District Ahmednagar for the offences punishable under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short “the Act of 2014”) and the consequential criminal proceeding bearing R.C.C. No. 201 of 2024 pending before the Judicial Magistrate, First Class, Newasa, district Ahmednagar, stand quashed and set aside as against the present applicant.

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

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