



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1251 OF 2023

1. Sagar Kailash Dangat
Age : 39 years, Occu. Business,
2. Sachin Kailash Dangat
Age : 42 years, Occu. Business,
3. Satish Kailash Dangat,
Age : 38 years, Occu. Business,

All R/o Near Navbharat High School,
Mauli Furniture, Shivne,
N.D.A. Road, Tq. Haveli,
District Pune.

Petitioners.

Versus

1. The State Of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
2. Sandakan Investment Pvt. Ltd.
Through its authorized Officer/ Representative,
Office Address – J-39, MIDC,
Jalgaon, Tq. and District Jalgaon.

Respondents

...
Advocate for the Petitioners : Mr. Nagargoje Ankush Nivrutti
APP for Respondent No.1/State : Mr. S.M. Ganachari
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 17th APRIL 2025

PER COURT :

. Rule. Rule is made returnable forthwith. Heard learned Counsel Mr. Ankush Nagargoje for the Petitioners. None appears for the contesting Respondent No.2.

2. Respondent No.2 was issued notice for final disposal on 19.03.2025. In compliance of the same, paper publication was issued. Still no appearance has been caused by the Complainant.

3. Petitioners are challenging proceeding of SCC No.4515/2015 pending before the Judicial Magistrate First Class, Jalgaon initiated by the Respondent No.2 against the Petitioners for offence under Section 138 of the Negotiable Instruments Act.

4. Learned Counsel for the Petitioners submits that it is an abuse of process of law to make the Petitioners to face the prosecution under Section 138 of the N.I. Act. Even if the allegations are taken as there are no offences can be made out. Under similar circumstances, co-accused Dr. Narendra S. Bhatt and Mr. Mahesh Kubal had approached this Court in Criminal Writ Petition No.1149/2017 and succeeded. By order dated 14.03.2018, the proceedings were quashed to their extent. It is further submitted that the issuance of process was challenged by co-accused – Mr. Nagesh @ Nagnath Shivaji Parkale before the Sessions Judge, Jalgaon in Criminal Revision Application No.63/2022. It was allowed vide judgment and order dated 16.03.2023 to his extent. On the ground of parity, Petitioners are entitled to succeed in the present petition.

5. I have gone through the complaint which does not disclose any specific role attributed to the present Petitioners in issuing cheque in question. The cheque in question of Rs.92,000/- was issued

by the signature of Mr. Tayede who is not made accused in the original proceeding. Petitioners have also replied the notices on 24.10.2015, raising similar grounds and denied their liability. The complaint is vague and I find that Petitioners were not responsible for day to day affairs of Ajintha Crains and Containers Pvt. Ltd., Jalgaon of which they are stated to be the Directors.

6. Under above circumstances, I also propose to follow the same course and reasons as done by coordinate bench while allowing Criminal Writ Petition No.1149/2017. It would be abuse of process of law to proceed against the present Petitioners. I, therefore, pass following order :

ORDER

- (i) Rule is made absolute in the terms of prayer clause 'A'.
- (ii) There shall be no order as to costs.

SHAILESH P. BRAHME
JUDGE

NATEEB..