



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 3523 2023

Shaikh Imam S/o. Ahmed

Age : 42 years, Occ: Agri.

R/o. Bhokramba Tq. Renapur Tq. Latur

... Applicant

-VERSUS-

1. The State of Maharashtra
Through the Police inspector,
M.I.D.C. Latur Police Station,
Tq. & Dist. Latur.

2. Azinkya Abhay Devda
Age : 32 years, Occ.: Business
R/o. Devi Road Kalamb
Tq. Kalamb Dist. Osmanabad

...Respondents

...
Advocate for the Applicant : Mr. A. M. Inamdar
A.P.P. for Respondent/State : Mr. A. D. Wange
...

**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 16th JANUARY 2025

JUDGMENT (PER ROHIT W. JOSHI, J.) :

1. The applicant in the present matter is arrayed as accused No.6 in an offence registered with M.I.D.C. Police Station, Latur vide FIR No.508 of 2023 on 09.07.2023 for the offences punishable under Sections 420, 120-B and 511 of the Indian Penal Code, 1860.

2. Respondent No.2/informant has stated in the FIR that on 08.07.2021 at around 3.30 p.m. he had received a call on his mobile from one Sham Ghogardare, i.e, accused No.2 asking him to call Chartered Accountant- Mayur Dhoka, i.e., accused No.1. The informant states that the subject of discussion was, exchange of currency notes of denomination of Rs.500/- with carrying notes of Rs.2000/-. He states that thereafter the accused No.1- Mayur Dhoka, the Chartered Accountant called him and asked him to bring sum of Rs.96 lakhs in cash in currency notes of denomination of Rs.500/- and take a sum of Rs. 1 crore in currency notes of denomination of Rs.2000/- in exchange. Accused No.1 allegedly asked respondent No.2 to meet him in front of Hotel Aroma, Latur. Respondent No.2 states that he went at the said location with Rs.96 lakhs at around 7 p.m. where accused No.2- Sham introduced him to other accused persons including the present applicant. He states that accused No.2., i.e., Sham asked him to reach Dal Mill in New MIDC where the other party was waiting for him. He further states that when he reached at the location of Dal Mill he sensed that something was wrong and immediately left the said location and halted at PVR square where all of a sudden a police party reached and seized the cash amount of Rs.96 lakhs from him. On this information respondent No.1 has registered the above FIR against the persons named accused including the present applicant.

3. Section 420 pertains to offence of cheating, Section 120-B pertains to criminal conspiracy and Section 511 deals with attempt to commit an offence.

4. We have heard Mr. A. M. Inamdar, learned Counsel appearing for the applicant and Mr. A. D. Wange, learned A.P.P. appearing for respondent/State. Respondent No.2 though served has not appeared.

5. Perusal of allegations in the FIR will demonstrate that except for presence in front of Aroma Hotel, i.e., the location where accused No.1 has asked respondent No.2 to meet him, there is no allegation against the present applicant. The allegation that respondent No.2 was offered Rs.1 Crore in currency notes of Rs.2000 against Rs.96 lakhs in currency notes of Rs.500 is made against accused No.1 / Mayur Dhoka. As per the FIR, accused No.1, i.e., Mayur Dhoka was introduced respondent No.2-informant by Sham Ghogardare, i.e, accused No.2. There is not a word in the FIR to suggest any criminal conspiracy between accused persons.

6. In the absence of any allegations remotely suggesting any connection of the present applicant with the alleged offence, except for presence at the location of meeting, we find that there is no propriety

in continuation of criminal prosecution against the present applicant. We also have our own doubt as regards the legality of the proposed transaction between accused No.1 and respondent No.2-informant. We deemed it appropriate to quash the FIR and subsequent criminal prosecution against the present applicant since, contents of the FIR taken on their face value do not make out any case against him. Hence, we pass the following order:-

ORDER

(i) The application is allowed.

(ii) FIR No. 508/2023 registered with M.I.D.C. Police Station, Latur for the offences punishable under Sections 420, 120-B, 511 of IPC is quashed against the applicant - Shaikh Imam s/o. Ahmed.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade