



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (APL) No. 434 of 2023

Purushottam Mohanlal Tapadiya

Versus

**State of Maharashtra through Police Station Officer, Khamgaon, Tq.
Khamgaon, District Buldhana and another**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.B.Bhise, Advocate for the applicant.

Mrs. Mayuri Deshmukh, APP for the non-applicant/State.

Shri K.R.Giripunje, Advocate h/f Shri S.V.Sirpurkar, Advocate for
the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 27th MARCH, 2025.

Heard.

2. We have gone through the First Information Report (FIR) which is under challenge in this application. It is evident that dispute is of civil nature. The contents of the FIR show that dispute is in respect of business transaction and the complaint is the outcome of non-payment of the amount by the applicant against supply of wheat by non-applicant no.2.

3. The complaint further shows that the applicant has paid Rs.84,44,311/- to the informant which indicates that, there was no

dishonest intention of the applicant since beginning which is sine qua non for attracting the provisions of Section 420 of Indian Penal Code. Even if this matter is considered as criminal matter, the said offence, thus, would not attract. Even Section 406 of Indian Penal Code, necessary ingredients are absent.

4. In the circumstances as the matter is of civil nature and the informant is having alternate remedy available to recover the amount which is due and payable by the applicant, we find that no offence is made out against the applicant. Accordingly, we are of the opinion that present application needs to be allowed. Hence, the application is allowed.

5. The Crime No. 19 of 2023 registered with Police Station Khamgaon, District Buldhana dated 13th January, 2023 for the offence punishable under Sections 406 and 420 of Indian Penal Code against applicant **Purushottam Mohanlal Tapadiya** is hereby quashed and set aside.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]