



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

Criminal Application (APL) No. 64 of 2022

Sameer S/o Narendra Sancheti

Versus

State of Maharashtra through Police Station Officer, Police Station
Khamgaon City, Tah. 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 C.R.Sharma, Advocate for the applicant.

Shri G.S.Umale, APP for the non-applicant no.1/State.

Shri Tejas Deshpande, Advocate for the non-applicant no.2.

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

DATED : 23rd APRIL, 2025.

The applicant along with other five co-accused, has been charge-sheeted for the offence punishable under Sections 406, 420, 120-B and 506 of Indian Penal Code. The report lodged by the complainant against the accused including applicant came to be registered on 22nd February, 2019 as Crime No. 89 of 2019 with Police Station Khamgaon for the offences referred herein above. After the investigation, the

charge-sheet came to be filed. The same is under challenge by way of the present application filed under Section 482 of the Code of Criminal Procedure.

2. Applicant is the accused no.6 and if the report is perused it is evident that the matter relates with the transaction of a plot. The report discloses that the complainant paid amount of Rs.7,50,000/-, Rs. 15,77,755/- and Rs.6,05,000/- to the accused nos. 2 and 3 towards consideration of the plot in question. After the said payment, the complainant received a legal notice from Rajesh Chandraratan Jangid wherefrom he got the knowledge that the accused no.1 had already been sold out the plot in question to one Shri Jange on 23rd March, 1987.

3. After receiving the said notice, the report came to be lodged by the non-applicant no.2. From the report, it is evident that there are no allegation against the applicant that he received any amount towards consideration of the said plot or any agreement was entered into by the complainant with the applicant for sale of the plot in question. The only allegation against the applicant is that he was present when deal for sale of land in question was finalized.

4. Further it is alleged that though the applicant had knowledge about the fact that plot was already sold out to Shri Jangle it was not disclosed to the complainant. Hence, it is alleged that there was a conspiracy and accordingly along with Sections 406, 420 434 and 504 of Indian Penal Code, the applicant has been charge-sheeted under Section 120-B of Indian Penal Code.

5. Having considered the material collected during the investigation by the Investigation Officer and the contents of the report, it is evident that none of the offence attracts against the applicant in absence of any case of the prosecution that applicant misrepresented the complainant or applicant received any amount or he entered into any such agreement for sale of plot. Mere presence of the applicant when the deal was finalized or not disclosing by the applicant to the complainant about the ownership of the plot will not attract the offence as alleged. Moreover, there is no evidence to show that applicant was part of any conspiracy or there was any intention of the applicant to cheat the complainant.

6. In the circumstances, though learned APP and learned non-applicant no.2 have strongly opposed the application, we are of the

considered view that in absence of material against the applicant to constitute the offence as alleged against the applicant, it will not be just and proper to compelled the applicant to face the trial. In that view of the matter, we proceed to pass the following order.

ORDER

- i. Criminal application is allowed;
- ii. Regular Criminal Case No. 475 of 2024 pending on the file of learned Judicial Magistrate First Class, Khamgaon arising out of First Information Report No. 89 of 2019 dated 22nd February, 2019 and Charge-Sheet No. /2024 dated 16th October, 2024 for the offence punishable under Sections 406, 420, 120-B, 504 read with Section 34 of Indian Penal Code is hereby quashed and set aside against the applicant - **Sameer S/o Narendra Sancheti.**

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]