



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

CRIMINAL APPLICATION [APL] NO.1496 OF 2024

[Bhadhant Sivani Bodhanand .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P. Kariya, Advocate for Applicant.
Ms. M.H. Deshmukh, APP for Respondent No.1/State.
Shri Parth Malviya, Advocate for Respondent No.2.
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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : APRIL 03, 2025.

P.C.

1. The First Information Report No.0734/2024 dated 09.09.2024 registered with Police Station, Pachpaoli, Nagpur City, against the applicant and one co-accused Nishant s/o Chandramani Manwatkar for the offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code, is sought to be quashed, by way of the present application filed under Section 482 of the Code of Criminal Procedure.

2. On perusal of the First Information Report, it is evident that, it is the case of the informant that the accused no.1 time to time approached him and requested for financial assistance which he provided to him and later on when he did not receive back the amount paid to the accused no.1, he filed the police complaint.

3. It is apparent on the face of the First Information Report that the accused no.2 was made party on the ground that he is a business partner of accused no.1. However, in the First

Information Report, there is no allegation against the applicant to the effect that he demanded any amount from the applicant or he promised anything to the applicant with any dishonest intention. All allegations are admittedly against the accused no.1. It is further evident that, all the time the demand was made by the accused no.1.

4. In the circumstances, as per the principles laid down by the Hon'ble Supreme Court of India in the case of ***State of Haryana and others .vs. Bhajan Lal and others***, reported in ***AIR 1992 SCC 604***, we are of the considered view that as the allegations made in the First Information Report, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the applicant. In the circumstances, the application is allowed.

5. The First Information Report No.0734/2024, dated 09.09.2024 registered with Police Station, Pachpaoli, Nagpur City, against the applicant for the offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code, is hereby quashed and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)