

Order Below Exhibit No. 1.
[Passed on 12/02/2026.]

Perused the complaint, evidence adduced before charge and gone through the documents on record. Heard learned advocate for the complainant and learned advocate for the accused. Considered their submissions made at bar.

02] Present complaint is filed by the complainant making allegations that accused is the daughter of his deceased sister namely Padmavati Dnyandev Deshmukh. The marriage of accused was solemnized with Ramrao Magar. The accused along with her husband has taken the loan amount of Rs.4,00,000/- on 19/05/2008 and 04/09/2008. Accordingly, the said transactions are written down on the stamp paper. The complainant has asked to the accused to return the said amount. However, accused did not return the amount, on the contrary, the accused threatened the complainant. The complainant has issued the notice to the accused for asking her to return his amount. The complainant has filed on record the receipts of giving the hand loan to the accused on 19/05/2008 and 04/09/2008. Furthermore, he has filed on record the copy of complaint dated 25/11/2021 and 01/12/2021 made to the concerned police station, Shikrapur and Superintendent of Police, Rural Pune.

3] After filing of the complaint, it was registered as Cri. M. A. No. 566/2021 and the verification of the complainant was recorded on 25/05/2022. Thereafter, by order below Exh. 1 dated 21/11/2022 the complaint was forwarded to Shikrapur Police Station to conduct an inquiry as per Sec. 202 of the Code of Criminal Procedure and to submit their report. In pursuant to that order, the report of the police station is filed on record below Exh. 7. Thereafter, after hearing the submissions of the complainant and in

light of the report filed by the concerned Police Station My Ld. Predecessor by order dated 21/03/2024 was pleased to issue process against the accused persons for the offences Punishable U/Sec. 120(B), 405, 406, 420, 467, 468, 471 of the Indian Penal Code.

4] After the issuance of process the accused had appeared and secured her presence by filing bail bonds as per the orders of the Court. Thereafter, the complainant in view of evidence before charge had examined three witnesses below Exh. 24, 28 & 29. The Ld. Advocate for the complainant had submitted before the Court that after perusing the oral testimony of the witnesses and the documents submitted hereby it had been came on record, that the accused along with her husband had obtained hand loan transactions to the extent of Rs. 4 Lakh and for the same they had executed the promissory notes dated 19/05/2008 and 04/09/2008. Thereafter, by referring to Exh. 27 the complainant had pointed out as the accused refused to return the said amounts the complaint had been filed with Station Officer Shikrapur Police Station but however, no cognizance had been taken even the accused had intentionally defrauded his creditors and threatened the complainant. It appears that the complainant had even filed one Regular Civil Suit vide a RCS No. 250/2019 for recovery of the said amounts from the accused persons. My Ld. Predecessor had issued process for the offence punishable U/Sec. 120(B), 405, 406, 420, 467, 468, 471 of the Indian Penal Code.

5] After going through the evidence before charge and the transactions had entered between the parties and the report of the concerned Police Station, it appears that there are prima facie intention in the mind of the accused person to defraud her creditor the fact that the hand loan transaction was entered in between the complainant and accused can be prima facially seen through the promissory notes which has been executed in

between the complainant and accused person. However, considering the evidence before charge and after going through the essential requirement of Sec. 467, 468 and 471 and also 120(B) of the IPC, the ingredient of this sections are not well attracted. However, as the complainant having a Cordial relation with the accused person had entrusted Rs. 4 Lakh on the basis of a hand loan and the accused intentionally deceived the complainant from repayment of the said amount clearly attracts her dishonest intention and hence, there is breach of trust of the relation and cheating on the part of the accused person.

6] Hence, in the light of the above discussion, I proceed to pass the following order.

ORDER

[1]. Charge be framed against the accused person for the offence punishable U/Sec. 406, 420 of the IPC.

[2]. The issuance of process for the offence punishable U/Sec. 120(B), 467, 468, 471 of the IPC is hereby dropped and the accused is hereby discharged from the offence punishable U/Sec. 120(B), 467, 468, 471 of the IPC.

Date:- 12/02/2026.
Place:- Shirur

(C. M. Kharkar)
Judicial Magistrate First Class,
Ghodnadi-Shirur, Dist. Pune