CRIMINAL M.A. NO. 46/2023

Pradeep Kallappa Madde
Vs.
Lohitsingh Dharmsingh Subhedar etc. 9

<u>ORDER BELOW EXH. 1</u>
[CNR MHPU01-003294-2023]

1] This is the application under section 156(3) of Cr.P.C. by which applicant/complainant has prayed for issuing directions to the Police to register FIR and to commence investigation against the respondents/ respondents persons for offences punishable under section 420, 406, 120B, 467, 468, 469, 471 of IPC alongwith section 3 & 4 of MPID Act.

2] Applicant has contended that he is residing on the address mentioned in the application. Applicant is serving in Mahindra Company, Chakan, Pune. It is contended that applicant got acquainted with respondents no. 1 to 10 in the seminars organized by respondents in various hotels like Hotel Pickdeal, Hotel Chandralok, Hotel Loins Den and Hotel Orchid situated at Pune. Also, in December 2017 all respondents came to the residential house of the complainant. Out of them one Mr. Lohitsingh Subhedar R/o Palus introduced himself as CMD of company by name "A.S.Traders & Developers LLP" and respondents nos. 2 to 10 are directors of it. They assured complainant to get huge returns if investment is done in their company and assured to return the principal amount invested by applicant, as and when demanded. Also they lured complainant to give costly Cars, landed property and trips in India and foreign countries. They called complainant and his wife at various places for seminars and gained their confidence. Trusting on the assurances given by the respondents no.1 to 10, complainant and his wife invested Rs. 71,50,000/- from time to time and transferred the abovesaid amount to the bank account of respondents no. 1 Lohitsingh Subhedar bearing account no. 50200024471370 Br. Shahupuri, Kolhapur of HDFC Bank. The table of the amounts shown in the application makes it clear that on 4/10/2022 wife of applicant deposited amount of Rs. 25,00,000/- in the account of respondent no. 1. Initially complainant and his wife got some returns on their investment. Knowing this, other people from Lonawala and Maval Tahsil also invested Rs. 25,78,91,534/- with the company of respondents. Respondents had given reeipts and certificates of abovesaid amount to the investors. It is the say of applicant that initially he and other investors got returns but from September 2022 they did not get returns on their investment or their principal amount. The applicant and other investors called respondents by phone, met them personally but they were avoiding to pay the amount. At last, the complainant came to know that respondents nos. 1 to 10 have deceived him and other 536 investors to the tune of Rs.25,78,91,534/-. He also came to know about the complaint filed by one Rohit Sudhir Otari at Shahupuri Police Station, Kolhapur, bearing CR no. 917/2022 under section 406,420,34 of IPC and u/s 3 & 4 of MPID Act. Applicant/Complainant has filed complaint application with Police Superintendent, Pune. With the help of those contentions, applicant has prayed to allow the application.

3] Applicant's advocate Mr. Shipkule has filed zerox copies of company registration document, FIR filed at Shahupuri police station bearing no. CR no.917/2022, complaint application filed with Police superintendent, Pune, list of investors, receipts of amounts given to the company of respondents persons etc.

4] I have carefully perused the documents filed on record. I have given serious consideration to the arguments advanced on behalf of applicant. It is pertinent to note here that applicant himself has contended that initially he got good return on his investment but he has not clarified in his application that how much amount he got from the company of respondents. It is the say of applicant that when respondents started avoiding to meet applicant, at that time he came to know that respondents were not in a position to repay the amount invested by applicant with them, thereafter he pursuaded with respondents for refund of his money and lastly he has contended that he has lodged complaint with Superintendent of Police, Pune against respondents.

5] From above facts it becomes clear that applicant was knowing in September 2022 itself that the respondents are not giving returns on his investment still his wife made investment of Rs. 25,00,000/- with the company of respondents. Also he filed complaint with Superintendent of Police on 6/1/2023 i.e. after 4 months. The transaction between applicant and respondents was of Civil nature and therefore till 6/01/2023 he has not approached police nor he has approached to the Court and therefore I find that applicant has failed in making out the grounds for satisfying this

Court to hold that since beginning respondents persons had intention to cheat applicant and applicant has failed to satisfy this Court about the fact that it is necessay to direct the police to register the FIR against respondents. Hence, I find that applicant is not entitled to the relief sought for in this application. Hence, I proceed to pass following order.

ORDER

Cr.M.A. No. 46/2023 stands dismissed.

Date : 05/04/2023

(K.P. Nandedkar)
Additional Sessions Judge, Pune.

CERTIICATE

"I affirm that the contents of the PDF file order are same word to word as per original judgment."

Name of Steno	:	Mrs.V.A.Nagarkar, Stenographer Grade-I
Court Name	:	K.P .Nandedkar, Addl. Sessions Judge, Pune
Date	:	05/04/2023
order signed by presiding officer on	:	05/04/2023
Order uploaded on	:	05/04/2023