

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

CRIMINAL APPLICATION (APL) NO. 1409 OF 2023

Satish Bansilal Chandak and another
..VS..

State of Maharashtra through PSO, P.S. Khamgaon City, Dist. Buldhana and another

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

Court's or Judge's orders

Mr. S.V. Sirpurkar, Advocate for applicants.
Mr. S.M. Ghodeswar, A.P.P for non-applicant No.1/State.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATED : 09.10.2023

Heard.

2. This is an application seeking to quash First Information Report relating to Crime No.492/2023, registered with Police Station Khamgaon City, District Buldhana for an offence punishable under Sections 405, 406, 408, 409, 415, 416, 419, 420, 421, 423, 424, 425, 463, 464, 465, 466, 467, 468, 470, 471 and 477A read with Section 34 of the Indian Penal Code.

3. The applicants learned Counsel would submit that initially the complainant has filed an application under Section 156(3) of the Code of Criminal Procedure (for short "the Code") before the Magistrate which is rejected. Revision against the said order was also rejected. However, again with the same allegation after lapse of few years, similar application under Section 156(3) of

the Code was filed, which was allowed vide order dated 01.09.2023. On facts, it is submitted that the alleged Release-deed was of the year 2011 for which grievance was put in the year 2017. According to the applicants, the dispute is of civil nature which has been coloured under criminal law to pressurize the applicants. Moreover, it is submitted that application filed under Section 156(3) of the Code was not in compliance with the directions issued by Supreme Court in the case of *Priyanka Srivastava Vs. State of Uttar Pradesh*, reported in *(2015) 6 SCC 287*.

4. Issue notice to the non-applicants, returnable on **06.11.2023**.

5. Mr. S.M. Ghodeswar, learned APP waives service of notice for non-applicant No.1/State.

6. In the meantime, investigation shall go on, but the charge-sheet shall not be filed without obtaining leave of this Court.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)