



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 413 OF 2020

1. Mr. Rahul Robert Rodridges,
Age: 45 years, Occ:
R/o. 303, Dinar Apartment Charai,
Thane (W) 400601 ...Applicant

Versus.

1. The State of Maharashtra
(to be served through the office of learned
Public Prosecutor, High Court, Bombay)
2. Mr. Jaywant Pandurang Redkar,
Age: 40 years, Occ: Service
Room No. 301, Building No. 4,
Shreeji Spelder Society, Brahman,
Thane West. ...Respondents

Mr. Viral Rathod a/w Mr. Vishwatej Jadhav, Ms. Shivani Shinde
i/b Mr. Mangesh Nalavade, learned Advocates for Applicant.

Ms. Aashka Shell i/b Mr. Kartik Garg, learned Advocates for the
Respondent No. 2.

Mr. Prasanna Malshe, learned APP for the Respondent – State.

PSI Vishal Shinde, Kapurbawdi Police Station, is present.

CORAM :- ASHWIN D. BHOBE, J.

Reserved on : 27th February, 2026

Pronounced on : 16th March, 2026

JUDGMENT :

1. Heard Mr. Viral Rathod, learned Advocate for the
Applicant, Mr. Prasanna Malshe, learned APP for the Respondent
– State and Ms. Aashka Shell, learned Advocate for the



Respondent No. 2.

2. By this Application filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the Applicant seeks to quash the Order dated 24.02.2020 passed by the Judicial Magistrate First Class, II Court, at Thane, Mumbai (Magistrate), on an Application filed under Section 156(3) of the Cr.P.C., registered as Criminal Case No. 499 of 2020, and the subsequent FIR bearing No. 61 of 2020 dated 27.02.2020 (impugned FIR), registered with Kapurbawdi Police Station, Thane, for offences punishable under Sections 406, 420, 467, 471, 504, and 506 of the Indian Penal Code, 1860, and Sections 3, 4, and 13 of the Maharashtra Ownership Flat Act, 1963 (MOFA, 1963), along with the Chargesheet bearing No. R.C.C. 292 of 2026 arising from the impugned FIR.

3. The material facts relevant to the adjudication of this Application are that Respondent No. 2 (complainant-informant) was interested in purchasing a flat. The Applicant introduced Respondent No. 2 to Bechar Patel (the co-accused), who was working on a project. Respondent No. 2 purchased a flat in Bechar Patel's project. An amount of Rs. 55,30,100/- was paid by Respondent No. 2 to Bechar Patel as consideration for the purchase of the flat. The sale deed was executed on 05.08.2017. Despite the payment, Bechar Patel did not transfer possession of the flat to Respondent No. 2, who had booked it. In the year 2018, Respondent No. 2 realised that Bechar Patel had sold the same flat to a third party. Alleging that Respondent No. 2 was cheated, he filed a complaint with Respondent No. 1



in 2019. Respondent No. 1 chose not to act on the complaint. Dissatisfied, Respondent No. 2 approached the Magistrate through an Application under Section 156 (3) of the Cr.P.C. By order dated 24.02.2020, the Magistrate allowed the Application, which order reads as follows:-

ORDER BELOW EXH.1 IN CRI.M.A.NO.499/2020

(Jaiwant Vs. Bechar & Anr.)

Read application/complaint, affidavit and documents filed alongwith application/complaint. Heard Ld. Advocate for the applicant/complainant. This application/complaint is filed for the offence punishable under Section 406, 420, 504, 506 r/w 34 of IPC. and Section 3, 4, 13 of MOFA Act 1963. The applicant/complainant requested for direction under section 156(3) of Cr.P.C. I have gone through the allegations in the complaint which prima facie disclosed that the respondents are involved in the commission of cognizable offences. Therefore, investigation as per section 156(3) of Cr. P.C. is required. Hence, I proceed to pass following order.

ORDER

- 1] *Officer In-charge of concern police station is hereby directed to investigate the matter as per section 156(3) of the Cr.P.C. and submit the report.*
- 2] *True or certified copy of this complaint alongwith photo copies of documents on record be sent to the concern police station for the investigation as per section 156(3) of Cr. P.C.*
- 3] *Application/complaint is disposed off accordingly.*

4. The impugned FIR was registered. Upon investigation, a chargesheet bearing RCC No. 292 of 2026 was filed before the Magistrate.

5. Mr. Viral Rathod, the learned Advocate for the Applicant, submits that the Applicant is neither the owner of the Flat



supposedly booked by Respondent No. 2 nor possesses any right, title, or interest in the Flat that Respondent No. 2 claims to have purchased. He submits that the Applicant merely introduced Respondent No. 2 to the builder and developer Bechar Patel. Furthermore, he submits that beyond this introduction, the Applicant is not involved in the alleged transaction between Respondent No. 2 and Bechar Patel. Consequently, he submits that the offences mentioned in the impugned FIR and chargesheet do not concern the Applicant. He submits that no case has been established to warrant registering the impugned FIR against the Applicant. Referring to the records, he submits that all allegations or materials related to the purported transaction concern only Bechar Patel.

6. Mr. Prasanna Malshe, who learned APP for the Respondent – State, submits that, upon the Magistrate's direction, the Respondent No.1 registered the impugned FIR, conducted the investigation, and filed a chargesheet against the Applicant and Bechar Patel.

7. Ms. Aashka Shell, learned Advocate for Respondent No. 2, submits that it was the Applicant who introduced Respondent No. 2 to builder and developer Bechar Patel. She submits that the consideration amount of Rs. 55,30,100/- has been paid to Bechar Patel, who has executed the sale deed dated 05.08.2017 but has failed and neglected to hand over possession of the Flat. She clarifies that although the transaction for the purchase and sale of the Flat in question is between Respondent No. 2 and Bechar Patel, it was initiated through the Applicant's introduction. Therefore, she submits that the Applicant is also guilty of cheating.



8. Arguments heard. Perused the records.

9. The core of the complaint filed by Respondent No. 2 is that Respondent No. 2 entered into a transaction to purchase Flat No. 701, located on the 7th floor of the building “Neelkanth Heights” at Majiwada, Thane, from the builder and developer Bechar Patel. The transaction was finalised with the execution of the Sale Deed dated 05.08.2017, between Respondent No. 2 and Bechar Patel. Respondent No. 2 paid the full consideration amount to Bechar Patel. Despite signing the Sale Deed dated 05.08.2017 and making the payment, Bechar Patel did not transfer possession of the Flat to Respondent No. 2. Respondent No. 2 alleges that Bechar Patel sold the Flat to a third party. Based on this grievance, Respondent No. 2 filed a complaint, which is the basis of the impugned FIR.

10. Thus, based on the contents of the impugned FIR and the material collected after its registration, the allegation against the Applicant is that he introduced Bechar Patel to Respondent No. 2. There is no evidence showing that the Applicant engaged in any monetary transactions with Respondent No. 2 or that the Applicant possesses any rights in the Flat.

11. Ms. Aashka Shell was unable to point to any material in the records showing that the Applicant had privity of contract with Respondent No. 2 regarding the Flat, or that any amount, as consideration or otherwise, was paid by Respondent No. 2 to the Applicant. The record does not show any such evidence, let alone any claim to that effect in either the complaint or the impugned FIR.



12. Taking the entire allegations as found in the impugned FIR and the material collected on record at face value, the offence as charged in the impugned FIR is not attracted to the case of the Applicant. The Applicant is an outsider to the contract concluded between Bechar Patel and Respondent No. 2. The Applicant is not a party to the sale deed dated 05.08.2017.

13. In view of the above, no case of commission of a cognizable offence is disclosed against the Applicant. The ingredients of Sections 406, 420, 467, 471, 504 and 506 of the Indian Penal Code, 1860 or Sections 3, 4 and 13 of the MOFA, 1963, are not made out as against the Applicant. Considering the principles laid down by the Hon'ble Supreme Court in the case of State of Haryana v. Bhajan Lal¹, this is a fit case to exercise powers under Section 482 of the Cr.PC to prevent abuse of justice.

14. In view of the above, this Application is allowed in terms of prayer clauses (A) and (A-1). Consequently, the impugned FIR and the charge sheet arising from the impugned FIR, stand quashed as against the Applicant herein.

15. There shall be no orders as to costs.

[ASHWIN D. BHOBE, J.]

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1 (1992) Supp (1) SCC 335