

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 677 OF 2011

MEGHARAJ BABURAO DESHMUKH (ADASKAR) AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. V. D. Salunke.

APP for Respondent No.1: Mr. K. S. Patil.

Advocate for Respondent No.2 : Mr. Bhushan B. Kulkarni.

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CORAM : **A. B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : 02nd September, 2015.

Per Court:

1 Following is the prayer in prayer clause (B) of the application:

"B. The impugned F.I.R. bearing No. 4/ 2011
dated 12.01.2011 registered at Police Station,
Ambajogai (Rural) Tq. Ambajogai, dist. Beed
may kindly be quashed and set aside."

2 The learned counsel for the Provident Fund Department in
fairness states that the amount towards dues towards provident fund,
which were unpaid, stand paid though somewhat late and with some
default.

3 The amount that is paid is around Rs,5,65,000/- and therefore, according to us, the offence alleged about the temporary misappropriation need not be continued. In view of the satisfaction of dues by the Applicants and looking to the fact that it is a cooperative sugar bill, we do not think that the prosecution should be allowed to continue. Hence, the following order:

ORDER

- I. The statement made by learned counsel for both the sides that payment of provident fund dues made, is accepted.
- II. Accordingly, Criminal Application No.677 of 2011, is allowed in terms of prayer clause (B). No costs.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

ndm