

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1658 OF 2016

Parmeshwar N. & Anr. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

.....
Mr S. P. Brahme, Advocate for the applicants
Mr A. R. Borulkar, APP for respondent/State
.....

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.
DATED : 19.07.2016.**

PER COURT :

. Respondent No. 2 - complainant served, but is absent. The applicants are accused Nos. 1 and 2 in Crime No. 7/2016 registered with Azadnagar Police Station, Dhule for offence punishable under Sections 406, 420 r/w 34 of the IPC. There are total 6 accused. The complainant alleged that, accused Nos. 4 and 5 approached him in October 2015 and made a representation to him that, he should buy a Insurance Policy from their company. They also informed him that, if he pays premium of Rs. 30,100/-, risk to the extent of Rs. 45.00 lakhs would be covered. On 05.01.2015, the complainant received a policy, but the same covered

risk only to the extent of Rs. 10.80 lakhs. The complainant felt cheated and, therefore, lodged complaint not only against accused Nos. 4 and 5, who are directly connected to the alleged incident but the present applicants who are higher officers of the Insurance Company sitting in Mumbai.

2. The police ought to have examined the complaint before the registration of offence. They could have at the most registered the offence only against few accused who are directly connected to the alleged incident. Even without applying their mind, they registered the offence against the present applicants who are not even remotely connected to the alleged incident. The complaint deserves to be quashed as against them.

3. The application is allowed in terms of prayer clause 'C' of the application.

[V. L. ACHLIYA]
JUDGE

[A. V. NIRGUDE]
JUDGE