

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

CRIMINAL APPLICATION NO.551 OF 2015

Dr. Surendra Manohar Parkhe & Ors.	.. Applicants
Vs.	
The State of Maharashtra & Anr.	.. Respondents

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Mr. Ankit r. Tripathi i/b. M/s. FF & Associates, Advocate for the Applicants.

Mrs. S. D. Shinde, APP for Respondent No.1 – State.

Mr. Satish K. Chettiyar, Advocate for Respondent No.2.

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**CORAM : A.S. OKA AND
P.D. NAIK, JJ.**

DATED : MARCH 29, 2016.

P.C

Rule. The learned APP waives service for the first respondent. Learned counsel appearing for the second respondent waives service. Forthwith taken up for final disposal.

2 By this application under Section 482 of the Code of Criminal Procedure, 1973 prayer is made for quashing the FIR alleging commission of offences punishable under sections 406, 418, 420, 428, 468 and 471 read with Section 34 of the Indian Penal Code. The first information report has been registered on

the basis of an order made on 9th September, 2014 by the learned Judicial Magistrate First Class at Nashik under Sub-section (3) of Section 156 of the Code of Criminal Procedure, 1973 (for short “the said Code”).

3 The allegations in the complaint concern the affairs of Bhagwat Mukti Ashram. The case made out in by the applicants is that the first informant was working as a Brother (male nurse) in the said institution run by the accused. The present applicants are four accused out of five. It is contended in the present application that the first informant was removed from the service in the year 2012 and therefore, out of the personal vendetta that he has filed the complaint.

4 The second respondent has filed a reply. In paragraph 3 of the reply, he has accepted that he was working as a Brother in the Medical Mission run by the accused and that he has removed from the employment in the year 2012. He has stated that he filed a complaint as he was disturbed due to loss of his employment. He has stated in his affidavit that he has no objection for quashing the FIR. The learned APP submits that the allegations made against the accused are of very serious nature

and, therefore, power under Section 482 of the Code of Criminal Procedure may not be exercised.

5 We have perused the complaint on the basis of which an order under Sub-section (3) of Section 156 of the said Code was passed by the learned Magistrate. The dispute is about the affairs of Bhagwat Mukti Ashram. There is a reference in the complaint to civil proceedings in relation to the said institution of the applicants. The grievances made in the complaint of the first informant are very vague. There are bald allegations made against the accused that they have made fortune by running the institution.

6 We find that the termination of employment of the applicant has led to the applicant taking recourse to the filing of the complaint. He has accepted in his affidavit that he filed the complaint as he was disturbed due to loss of his employment. After having perused the complaint, we find that the offences alleged are not of serious nature and it cannot be said that the offence will have serious impact on the society. We are, therefore, of the view that this is a fit case to exercise jurisdiction of this Court under Section 482 of the said Code for quashing the FIR.

7 Accordingly, the application must succeed and we pass the following order:

:: ORDER ::

- (i) Rule is made absolute in terms of prayer clause (a);

- (ii) All concern to act upon an authenticated copy of the judgment and order.

(P.D. NAIK, J.)

(A.S. OKA, J.)