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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5010 OF 2015

Colonel (Retd) Jasprit Bakshi

..Petitioner.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.Nilesh Tribhuvan i/b. Mr.Suhail Shariff for the petitioner.

Mr.K.V.Saste, APP for the respondent-State.

Mr.Ashwin Thool i/b. Mr. R.J.Mutha for respondent No.2.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 27TH APRIL, 2016

P.C. :-

1. By this petition, the petitioner / accused in Crime No.I-88/2015 for the offences punishable under sections 420 and 407 of the Indian Penal Code registered with the Sanpada (Turbhe) Police Station at the instance of respondent No.2 Balaji Shankar Rao Anasarwade, is praying for quashing and setting aside the same.

2. Heard learned counsel for the petitioner at

considerable length. He argued that the informant Balaji Shankar Rao Anasarwade has no authority to lodge the F.I.R. against the petitioner. The learned counsel for the petitioner by taking us through the *e-mail* exchanged between the parties argued that the company owned car was ultimately deemed to have been purchased by the employee named Christopher Hogle, a US national because of payment of its costs by way of adjustment in outstanding dues payable to him by the company. He further argued that the present petitioner had only provided contact of agent to Christopher Hogle for selling the said car and, therefore, it cannot be said that the petitioner has cheated the company by committing breach of trust.

3. Learned APP opposed the petition by contending that perusal of the F.I.R. prima facie demonstrates the offences punishable under section 420 and 407 of the Indian Penal Code.

4. Learned counsel appearing for respondent No.2 opposed the petition by contending that the petitioner had sold out the car owned by the company and allotted to

Christopher Hogle and thereby committed offences for which the F.I.R. came to be lodged.

5. Perusal of the F.I.R. lodged on 12th August, 2015 by respondent No.2 Balaji Shankar Rao Anasarwade goes to show that he is an employee of the Reliance Power Company. The contents of the F.I.R. points out *HONDA CIVIC AT* car was purchased by the Reliance Power Company for its employee Christopher Hogle. When said Christopher Hogle did not return after a long leave, instead of depositing the said car with the company, the petitioner who at the relevant time was Administrative Officer with the said company, sold out that car to a third person and thereby cheated Reliance Power Company.

6. We have perused the F.I.R. as well as the papers of investigation. From bare perusal of the F.I.R. and the papers of investigation, it can be said that the allegations made in the F.I.R. and the material gathered during the allegations even if is taken at their face value and accepted in its entirety, do prima facie constitute the alleged offence. As such, we do not consider this to be a fit case to exercise our extra-ordinary

powers to quash the criminal proceedings initiated against the petitioner at the instance of his ex-employer. The F.I.R. is lodged by the Reliance Power Company through its employee and as such, it cannot be said that the said employee has no power to lodge the F.I.R. against the petitioner. Similarly, though the learned counsel for the petitioner placed reliance on the case of ¹**Dilawar Singh V/s. State of Delhi** to point out that the F.I.R. is belated, this aspect cannot be considered at the stage when investigation is in progress. The petition is devoid of any substance and, therefore, the following order:-

- (i) The petition is dismissed.

(A.M. BADAR, J.)

(NARESH H.PATIL, J.)

¹ (2007) 12 Supreme Court Cases 641