

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

CRIMINAL WRIT PETITION NO.515 OF 2017

- | | | |
|-----|--|--|
| 1, | Bharat s/o Pratap Shinde,
Age 45 years, Occu.Agri., | |
| 2. | Rajashree Santosh Patil,
Age 34 years, Occu. Household | |
| [3] | Chandrakant s/o Bhagwat Patil
Age 45 years, Occu. Agri., | } Petition of is
} petr.Nos.3 to 5
} is rejected as
} per Court's |
| [4] | Sunita w/o Anant Chaudhary,
Age 42 years, Occu. Household | } order dated
} 18.4.2017 |

All R/o Mamurabad,
Taluka and District Jalgaon

- | | | |
|-----|---|----------------|
| [5] | Vyankatrao s/o Uttamrao Mundhe,
Age 55 years, Occu. Business,
R/o Rohit Construction, Bhavsar
Chowk, Near Old Post Office,
Nanded | .. Petitioners |
|-----|---|----------------|

Versus

The State of Maharashtra and anr.	.. Respondents
--------------------------------------	----------------

Mr K.D. Bade Patil, Advocate for petitioners
Mr K.D. Mundhe, A.P.P. for respondent no.1
Mr Girish Nagori, Advocate for respondent no.2

**CORAM : R.M. BORDE AND
A.M. DHAVAL, JJ.**

DATE : 14th June 2017

PER COURT

Heard.

2. Rule. Rule returnable forthwith. With the consent of parties,
petition is taken up for final disposal at admission stage.

3. The petitioners are praying for quashment of the criminal proceedings initiated in pursuance to lodging of F.I.R. bearing No.8/2017 registered at Taluka Police Station, Jalgaon, District Jalgaon on 1st February 2017 for commission of offences punishable under Sections 403, 406, 420, 447-A and 120-B of the Indian Penal Code. The offence is registered in pursuance to the directions issued by the Magistrate, in exercise of powers under Section 156 (3) of the Code of Criminal procedure on 30th January 2017 in Criminal Application No.1026 of 2016.

4. The allegations levelled against the petitioners relate to execution of work of Mamurabad Drinking Water Supply Scheme. It appears that the petitioner No.1 was office bearer of the Water Management Committee of the same village between 2011 to 2015. The alleged work appears to have been executed during the tenure of the office bearers including petitioner No.1. It would be appropriate for the petitioner no.1 to avail of the remedies available in law after presentation of the charge-sheet and as such truthfulness or otherwise of the allegations levelled against petitioner No.1 need not be gone into.

5. So far as the petitioner no.2 is concerned, it has been brought to our notice that she was not office bearer of the committee or the village panchayat at any point of time. She did not have any authority to deal with the funds released by the village panchayat or State Government for execution of the work. The petitioner No.2 does not appear to be connected with the alleged work of water management

committee of the concerned village. There is no reason for implicating petitioner No.2 and as such, criminal proceedings initiated against her deserve to be quashed.

6. In the result, the application tendered by the petitioner No.1 stands disposed of with liberty to avail of the remedies available in law, after filing of charge-sheet.

7. The application tendered by the petitioner No.2 deserves to be allowed and same is accordingly allowed. The criminal proceedings initiated against the petitioner No.2 in pursuance of registration of the F.I.R. bearing No.8/2017 at Taluka Police Station, Jalgaon, District Jalgaon on 1st February 2017 for commission of offences punishable under Sections 403, 406, 420, 447-A and 120-B of the Indian Penal Code stand quashed.

8. Rule is made absolute, as specified above.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)

vvr