THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**CRIMINAL APPLICATION NO. 630 OF 2008**

Deepak Krishnanath Khopkar,
Age 54 years, Occu. Service as
Branch Manager of State Bank of
Hyderabad, R/o. Roza Mohalla,
Kaij, Ta. Kaij, Dist. Beed. ... **APPLICANT**

***VERSUS***

1. The State of Maharashtra.

2. The Superintendent of Police,
District Beed.

3. Mahadeo s/o Namdeo Hajare,
Age 38 years, Occu. Business,
R/o. 414, Ward No.1, Kaij,
Tq. Kaij, Dist. Beed. ... **RESPONDENTS**

...

Mr. R. C. Sant, Advocate for Applicant.
Mr. S. J. Salgare, APP for Respondent Nos.1 & 2.
Mr. V. M. Jaware, Advocate for Respondent No.3 (Appointed).

...

CORAM : **T. V. NALAWADE &**
**K. L. WADANE, JJ.**

DATE : 31st July, 2018.

**JUDGMENT:** ( Per T. V. Nalawade, J. )

. The proceeding is filed under Section 482 of the Code of

Criminal Procedure for relief of quashing of FIR No.20 of 2007, registered with Kaij Police Station, District Beed, for the offences punishable under Sections 323, 504 and 506 of the Indian Penal Code and Section 3(1)(ii) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act.

2 Both the sides are heard.

3 In the report given to police, the Respondent has made allegations against Applicant that the Applicant gave abuses to Respondent on 20th September, 2007 at about 01:45 pm in the Branch of State Bank of Hyderabad, Kaij. It is the contention of Respondent that he has not taken benefit of any Government scheme including the scheme of Mahatma Phule Mandal and so he is entitled to get the benefit of that scheme. It is contended that he had gone to the bank to withdraw the money, but the Applicant, who was Branch Manager, gave abuses and used bad language against him by saying that he was there second time to withdraw money.

4 The learned counsel for Applicant drew attention of this Court to the FIR given by present Applicant against the previous

Branch Manager and so many other persons including the present Respondent. The FIR was given on 9th July, 2007. There was a project, scheme of the Government to help the persons economically backward to give them loan for business and give them source of earning. As per the scheme, the persons were required to apply for loan to the bank. After getting the loan application, the bank was to prepare the proposal. 75% of the amount was to be given as loan by the bank. The Corporation, Mandal was to give 20% of the amount or Rs.90,000/-, whichever was less to the debtor as seed money and some amount was to be given by the Mandal as subsidy amount. The debtor was to invest only 5% amount. It was noticed that even when there were no proposals between 2004 and 2007, 74 persons had opened saving accounts in this Branch and from said Mandal directly money was credited in their accounts as seed money and grant. This amount was Rs.56,20,000/-. This amount was withdrawn by the persons, who had opened the saving accounts. They had not prepared loan proposals, they had not started any business and thus, Government money was misappropriated with the help of bank officers. There is list of the persons, who had withdrawn the amount and the name of the first informant of the present matter namely

Mahadeo is at serial No.52. After giving of this report on 9th July, 2007, the superior officers of this bank had taken a decision to stop disbursement of the loan amount and also from savings accounts due to aforesaid allegations made by the Branch Manager till the investigation of the matter i.e. Crime No.149 of 2007, registered on the basis of report given by Branch Manager, was completed. At the cost of repetition, it is to be mentioned here that the incident in question is dated 20th September, 2007.

5 The aforesaid circumstances are sufficient to infer that the Applicant, who had taken initiative to trace the fraud and who had given report against the present Respondent, had no reason to do such act and only to pressurize him and teach him lesson, present FIR is given against him. Allowing the investigation in the matter or directing the present Applicant to face trial will be abuse of process of law. In the result, the following order is passed:

**<u>O R D E R</u>**

I. The application is allowed.

II. Relief is granted in terms of prayer clause (A).

III. Rule is made absolute in those terms.

IV. The fees of the appointed counsel is quantified as Rs.3,000/-, which is to be paid to him through the Legal Aid.

**[ K. L. WADANE, J. ]** **[ T. V. NALAWADE, J. ]**

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