

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5818 OF 2013

Feiroz s/o. Gulam Husain Shaikh,
Age 32 years, Occu. Service,
R/o. Darbar Masjid, Arab Galli,
Nanded, Tq. & Dist. Nanded.

....Applicant.

Versus

1. The State of Maharashtra,
Through Shivajinagar Police Station,
Nanded, Dist. Nanded.

2. Ranjanabai w/o. Satyanarayan @
Satish Puttewar, Age 30 years,
Occu. Household, R/o. Dattanagar,
Nanded, Tq. & Dist. Nanded.

....Respondents.

Mr. M.V. Ghatge, Advocate for applicant.

Mrs. D.S. Jape, APP for respondent No. 1/State.

Mr. A.B. Shinde, Advocate for respondent No. 2.

**CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.**
DATED : 21/08/2018.

JUDGMENT : [PER T.V. NALAWADE, J.]

1. The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 150/2013 registered with Shivaji Nagar Police Station, Nanded for offences punishable under sections 364, 342, 506 of Indian Penal Code. Both the sides are heard. The papers of investigation were made available for perusal.

2. The crime is registered on the basis of the private complaint which was referred for investigation under section 156 (3) of Criminal Procedure Code by Judicial Magistrate, First Class. The private complaint was filed on 21.8.2013 and the F.I.R. came to be registered on 31.8.2013. The private complaint was filed by Ranjanabai, wife of Satyanarayan Puttewar. Satyanarayan was working with Ghatge-Patil Automobiles Nanded as cashier. Against him, report was given to police on 4.5.2013 by the employer that Satyanarayana was missing and he had taken with him cash amount of the office which was Rs. 2,90,196/-. Crime was registered for the offence punishable under section 408 of IPC against Satyanarayana and the chargesheet is filed.

3) The submissions made and the record show that present first informant, wife of Satyanarayan had also given missing report in respect of husband and on 4.4.2013 she had informed that her husband had left home on 31.3.2013 at 9.00 a.m. by saying that he was proceeding to place of work and he had not returned the home. Then in private complaint allegations are made that to recover the money he was forcibly taken away and he was detained at a place. Allegations were made that even police had helped the employer.

4) The papers of investigation include the statement of

Satyanarayan dated 28.12.2013. Satyanarayan has made allegations that present applicant Firoz, Manager of the office and four other persons had forcibly taken him in four wheeler and he was detained in a room. According to him, after 31.3.2013 something happened to him and so, he does not remember anything about subsequent events. According to him, on 19.5.2013 he was noticed by his relative and then he was taken to Dr. Joshi. There is some record showing that he was taken to a doctor for psychiatric treatment.

5) The submissions made and the record show that the chargesheet was filed against Satyanarayana on 4.5.2013 for offence punishable under section 408 of IPC. Even if his contention that he was seen by the relative on 19.5.2013 is accepted, there is no explanation as to why the F.I.R. in respect of incident which took place against him was not given immediately in the month of May. The F.I.R. was given, the private complaint was filed on 21.8.2013 after about 3 months of aforesaid date. Nothing is said about the amount which was involved and chargesheet is fled against him for aforesaid offence. It is clear that only to pressurise the employer the false report is given. This Court holds that it is the fit case for using the power given under section 482 of Cr.P.C.

6) The learned counsel appointed for respondent No. 2 submitted at 11th hour that he has no instruction from his client. As

the matter was kept for final disposal, matter was not adjourned. In the result, following order.

ORDER

Application is allowed. Relief is granted to the applicant in terms of prayer clause 'A'. Rule is made absolute in aforesaid terms.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/