

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.696 of 2017
(Shridhar Pandurang Patil and another .vs. State and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr.A.M.Ghare, Advocate for applicants.
 Mrs.Ketki Joshi, A.P.P. for respondent no.1/State.
 Mr.A.D.Bhate, Advocate for respondent no.2.

CORAM : P. N. DESHMUKH &
 M. G. GIRATKAR, JJ.

DATE : 5.7.2018.

Heard Mr.A.M.Ghare, learned Counsel for the
 applicants, Mrs.Ketki Joshi, learned Additional Public
 Prosecutor for respondent no.1/State and Mr.A.D.Bhate,
 learned Counsel for respondent no.2.

Prayers made in this application are as under :

“a) quash and set aside the FIR no.241/2017
 dated 09/06/2017 registered at Police Station,
 Shegaon, Dist.Buldhana for the offences
 punishable under Sections 420, 409, 465, 468,
 471 r/w. 34 of IPC;

b) stay to the further proceedings pursuant to the
 filing of the FIR no.241/2017 dated 09/06/2017
 registered at Police Station, Shegaon, Dist.
 Buldhana for the offences punishable under

*Sections 420, 409, 465, 468, 471 r/w.34 of IPC;
during the pendency of this application;*

*c) grant any other relief, which this Hon'ble Court
deems fit, just and proper in the circumstances of
the case including directions to the Non-Applicant
No.1 not to file Charge sheet.”*

The applicants, who are elected members of Agricultural Produce Marketing Committee, Shegaon, are seeking to quash F.I.R. No.241 of 2017, dated 9.6.2017 registered for the offences punishable under Sections 420, 409, 465, 468, 471 r/w. 34 of the Indian Penal Code. Admittedly, offence is registered on the basis of report lodged by non-applicant no.2 on conducting inquiry. The inquiry was conducted with reference to purchase of 'Tur' under the Price Support Scheme purchased by the agency namely “Vidarbha Marketing Federation in the Vidarbha region” under the control of District Marketing Officer in the particular district and he is appointed as authorised person at all the purchasing centres. The A.P.M.C. has no role to play in purchase of 'Tur' except to provide market yard to keep 'Tur' product of agriculturists and the employees of the Market Committee are engaged only with a view to distribute tokens as registration of 'Tur' to facilitate its purchase. Except this, there is no role played by the Marketing Committee.

The applicants along with other members of the A.P.M.C. were served with show cause notice seeking their

explanation for showing 'Tur' beyond the capacity of total agricultural land owned by the applicants by pressuring the staff of Committee and by using their position as members of A.P.M.C. Applicants filed their reply. However, non-applicant no.2 did not consider the same in its true perspective and concluded that the applicants had sold 'Tur' to NAFED and he had not found 'Tur' proportionate to the total land owned by the applicants and thereafter, lodged report with non-applicant no.1, upon which offence as aforesaid came to be registered.

The affidavit-in-reply of respondent no.2 specifically brings on record the fact of Divisional Joint Registrar, Co-operative Societies, Amravati, conducting total inquiry, particularly in respect of certain documents which were subsequently made available on record and which were not considered by non-applicant no.2, and on considering the same, he quashed and set aside the Inquiry Report of non-applicant no.2 and directed fresh inquiry.

In view of affidavit-in-reply as aforesaid and on perusal of copy of order forming part of application marked as 'Annexure I', it is noted that the F.I.R. which is prayed to be quashed is registered on the basis of said Inquiry Report, dt.1.6.2017 submitted by non-applicant no.2, which report as aforesaid has been quashed and set aside by the Divisional Joint Registrar directing fresh inquiry. According to non-applicant no.2, in view of facts aforesaid, necessary directions be, therefore, passed.

Having considered the facts as aforesaid as established by applicants that offence came to be registered against them vide Crime No.241 of 2017 on the basis of

incorrect inquiry held by non-applicant no.2, which inquiry has been set aside by the Divisional Joint Registrar, we do not find any reason to proceed further with present F.I.R. No.241 of 2017. In the result, the application is allowed in terms of prayer clause (a) of the application with no orders as to costs.

JUDGE

JUDGE

**jaiswal*