

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3939 OF 2019**

Sou. Geeta Y. Sadul and anr. V/s. State of Maharashtra and ors.	... Petitioners ... Respondents
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Mr. Ritesh Thobde for the Petitioner.
Dr. F.R. Shaikh, APP for the Respondent – State.

**CORAM : B.P. DHARMADHIKARI &
 N.R. BORKAR, JJ.
DATE : DECEMBER 19, 2019.**

P.C.

1] The Headmaster and the Clerk in employment of Educational Institution are before this Court to quash FIR under Section 7 of the Prevention of Corruption Act. The contention is as per the Resolution taken before hand, the Management was collecting donations and the petitioners have insisted only for its payment.

2] Learned APP has taken us through the relevant portions of the FIR.

3] It appears that the complainant (respondent No.2) was present at the time of passing of Resolution. However, he

could not pay Rs.20,000/- as donation. He paid only Rs.2000/-. The Management, therefore, informed the Education Officer and his salary was withheld. The Education Officer then informed respondent No.2 about the directions issued by the Management and respondent No.2 therefore, came back to the Management and there, he was told that as he has not paid complete amount, his salary was withheld.

4] The contention is donation amount or its collection cannot be seen as bribe.

5] We are not willing to examine this aspect in the present matter in extraordinary jurisdiction. The petitioners have abused their position and forced unwilling respondent No.2 to pay the donation. Not only this, they have also brought influence upon the Education Officer, who has withheld the salary of respondent No.2.

6] We fail to understand as to why the Investigating Officer has not invoked other provisions of Indian Penal Code in the matter.

7] We therefore, dismiss this Petition. Needless to mention that the question whether amount collected is bribe or not can be looked into by the Trial Court at appropriate juncture.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)