

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2421 OF 2019

Shivraj Kalyanrao Lakhe,
Age : 39 Years, Occu. Service,
R/o. Tirthpuri, Tq. Ghansawangi,
Dist. Jalna

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Gondi Police Station, Tq. Ghansawangi,
Dist. Jalna.
2. Pradeep Bhagwanrao Suryawanshi,
age : 40 Years, Occ. bank Manager,
R/o. Buldana Urban Co-op. Bank,
Branch Tirthpuri,
Tq. Ghansawangi, Dist. Jalna

..RESPONDENTS

....
Advocate for the Applicant : Mr. S. D. Munde
A.P.P for Respondent-State : Mr. K.S. Patil
Advocate for Respondent No.2 : Mrs. M.L. Sangit
....

CORAM : T.V. NALWADE AND
M. G. SEWLIKAR, JJ.
DATE : 02.03.2020.

JUDGMENT (PER T.V. NALWADE, J) :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. The proceeding is filed for relief of quashing of M-Case No. 5/2014 registered with Gondi Police Station, Tq. Ghansawangi, District Jalna for the offences punishable under

Sections 420, 468, 471 read with Section 34 of the Indian Penal Code. The crime was registered on the basis of direction given by the learned Judicial Magistrate (F.C.) Ambad to make investigation under Section 156 (3) of the Code of Criminal Procedure and that proceeding was filed by the society which was represented by respondent No.2, Manager of the society. During the argument submissions were made by the learned counsel for the applicant and learned counsel for the society that entire loan amount has been paid by the applicant. The loan of Rs. 40,000/- was taken and by way of security land was mortgaged. It appears that though the land was mortgaged subsequently it was sold by the applicant behind the back of society and that is why the report was given. Now the amount is repaid and the society has no intention to proceed against the present applicant. It has given no objection, so following order :-

ORDER

1. Application is allowed.
2. Relief is granted to the applicant in terms of prayer clause 'B'.
3. Rule made absolute in those terms.

(M.G.SEWLIKAR, J.)

(T.V. NALAWADE, J.)