

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

18 CRIMINAL WRIT PETITION NO.1308 OF 2017

**SANJAY S/O. SUGANCHAND KASLIWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. R. N. Dhorde, Senior counsel i/b Mr. V. R. Dhorde, Advocate for the petitioner

Mr. S. J. Salgare, APP for the respondent/State

Mr. Rajendra Deshmukh, Senior Counsel for respondent No. 3.

**CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.**

DATED : 11-12-2020

P.C. :-

1. The present proceeding was filed on 12/09/2017 for relief of quashing of C.R. No. 598/2017 registered with Kranti Chowk Police Station, Aurangabad and it was contended that the crime was registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code. The submissions made on the record show that on 24/07/2017 anticipatory bail application was filed in this Court and in that there was mention that the crime was registered under Maharashtra Protection of Interest of Depositors (MPID) Act also. Admittedly, the crime was registered under MPID Act also on 13/07/2017. In spite of this circumstance the same counsel filed petition on 12/09/2017 but he did not show that the crime was registered under provisions of MPID Act also. The provisions of MPID Act have different significance.

2. Learned counsel for the petitioner submitted that due to oversight the provisions of MPID Act is not mentioned in the present proceeding. He

submits that, on instructions, he wants to withdraw the proceeding.

3. This Court granted interim relief in the matter by order dated 04/04/2018 and the Investigating Agency was prevented for filing charge-sheet without the permission of the Court. Submissions were made by learned APP that due to the interim relief granted by this Court, Investigating Agency could not file charge-sheet and could not take steps like attachment of the property which is available under MPID Act. Some properties were disposed of by the petitioner after passing aforesaid interim order.

4. In view of the aforesaid circumstances, this Court holds that the permission can be granted to withdraw the present proceeding but it can be done subject to payment of the cost of Rs. 5,00,000/- (Rupees Five lakhs) to the Government. So the present proceeding is disposed of as withdrawn. The learned counsel for informant did not press for other action or order.

5. The petitioner is directed to deposit the amount of Rs.5,00,000/- (Rupees Five lakhs) within 15 days from today in this Court and the amount will go to the Government as a costs.

6. The interim relief stands vacated.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE , J.]

ssp