

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

Criminal Application (APL) No.265/2020

(Abhijit Solanke V State of Maharashtra 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. M.V. Bute, Adv for applicant.
Mrs. Barabde, APP for State.
Mr. Swati Paunikar, Adv (appointed) for non-applicant no.2.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 02-12-2021.

Heard Mr. Bute, learned Counsel for the applicant, Mrs. Barabde, learned APP for the State and Mrs. Swati Paunikar, learned Counsel appointed under the Legal Aid Scheme for non-applicant no.2-complainant.

2. This is an application for quashing of the First Information Report (FIR) alleging the commission of offences under Sections 420, 406 read with Section 34 of the Indian Penal Code (IPC), Section 138 of the Negotiable Instruments Act and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

3. The complaint alleges that the amount deposited by the complainant and other investors was siphoned off and

misappropriated by the applicant together with Chairperson of the Samruddhi Jivan Foods India Ltd, a Multipurpose Cooperative Society, Wadgaon Road, Yavatmal, in which the applicant was working as a Branch Manager.

4. Now, it is the case of the applicant, that during the relevant period i.e. 25-08-2015 and 03-12-2015, the applicant was not working as the Branch Manager. It is also the case of the applicant that he was the Branch Manager for only a period of one year and the allegations are that the offences have been committed between the years 2010 to 2015.

5. According to us, all these are the matters that will have been gone into at the stage of trial. Based on some unilateral appointment orders issued by the applicant, the FIR, which clearly discloses the commission of offences that have been alleged cannot be quashed. We also considered the reply filed by non-applicant no.2 and the photographs accompanying the same.

6. Having regard to all these matters, we do not think that a case has been made out for quashing of the FIR particularly since it is alleged that the cheating and misappropriation is to the extent

of Rs. 59,00,000/-.

7. For the aforesaid reasons, we dismiss this application.

There shall be no order as to costs.

8. Fees of Mrs. Paunikar, learned Counsel appointed under the Legal Aid Scheme shall be quantified as per the rules.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

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