

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

CRIMINAL APPLICATION (APL) NO.340 OF 2018

Bharat S/o. Guljar Satpute,
Age : - 47 Years, Occ.: - Service,
R/o. Plot No.44, Omnagar,
Nara Road, Nagpur.

. . . **APPLICANT**

...V E R S U S..

1. State of Maharashtra
Through P.S.O., Ramtek,
Tah.- Ramtek, Dist.- Nagpur.

2. Harihar S/o. Laxman Kawale,
Age :- Major, Occ.: - Service,
R/o. Sai Nagar, Hudkeshwar Road,
Nagpur.

. . . **NON-APPLICANTS**

Shri A.G.Honge, Advocate h/f Shri N.S.Giripunje, Advocate for the
applicant.

Shri S.D.Sirpurkar, Additional Public Prosecutor for the Non-
applicant no.1.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 22/01/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. This is an application filed under Section 482 of the
Code of Criminal Procedure challenging First Information Report

No.42/2018 for offence punishable under Section 420 of the Indian Penal Code registered with non-applicant Police Station.

4. The First Information Report came to be lodged against the applicant with the accusation that loan amount of Rs. 4,50,000/- was disbursed to the present applicant on the basis of the forged documents by the State Bank of India Ramtek branch. The applicant has approached this Court by way of filing of the present application challenging the First Information Report against the applicant. This Court on 12.10.2018 issued notice to the non-applicants.

5. The non-applicant no.1 has filed reply and it is stated that the Deputy Manager of State Bank of India, Ramtek Branch has submitted written complaint in respect of nine loan applications wherein the loan amounts were disbursed on the basis of forged documents. It is stated that the applicant had not purchased car but, submitted RC book and Insurance Policy of the vehicle bearing registration no. MH31-BE 5688, which was registered in the name of one Jitendra Joshi.

6. We have carefully considered the contents of the

First Information Report. During pendency of the present application, the applicant volunteered to deposit entire amount of dues with the State Bank of India, Ramtek branch. Accordingly, the applicant has deposited the entire dues with the bank on 20.1.2021.

7. We called upon the learned APP to verify as to whether the amount of dues of the applicant has been deposited with the State Bank of India, Ramtek Branch. The learned APP, after taking instructions from the Investigating Officer, made a statement that the applicant has deposited entire dues with State Bank of India, Ramtek branch. State Bank of India has issued 'No Dues Certificate' in favour of the applicant. The applicant has placed on record 'No Dues Certificate' issued by the State Bank of India, Ramtek branch.

8. After carefully considering the allegations against the applicant, we are of the view that there are no allegations criminal intention on the part of the applicant in the FIR. The applicant has stated in the application that the applicant has no criminal background. We are therefore, satisfied that the continuance of the proceedings against the applicant would

amount to abuse of process of the Court. We, therefore, pass the following order:

ORDER

(i) The First Information Report No.0042/2018 for offence punishable under Section 420 of the Indian Penal Code registered with the non-applicant no.1 - Police Station is quashed and set aside only against the present applicant ie. Bharat Guljar Satpute .

(ii) It is directed that the investigation of offences registered in the First Information Report against other accused shall proceed in accordance with law.

Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE

Ambulkar