

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 CRIMINAL APPLICATION NO.127 OF 2022

HANUMANT SHRIPAT MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Deepak B Sadaphule
APP for Respondents: Mr. R.V. Dasalkar.

**CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.
DATE : 7TH MARCH, 2022.**

PER COURT:

- 1] We have heard learned counsel for the for some time.
- 2] We are not inclined to entertain this criminal application. The learned counsel for the applicant has repeatedly submitted before us that the applicant has been falsely implicated in the present crime. The learned counsel for applicant submits that, though the Inspection Team allegedly inspected the meter installed at Gat No. 26 Flat No.15 on 17.8.2021. However, the complaint came to be lodged on 21.12.2021, without any explanation, as to why there is such inordinate delay in lodging the complaint.
- 3] We have carefully gone through the allegations made in the complaint. It appears that the applicant runs one manufacturing unit for manufacturing bottles and it appears on inspection of the meter installed to run the said unit, that the applicant has committed theft of the electricity to the tune of 25,200 units, worth Rs. 2,99,458/-.

4] In the case of ***State of Odisha Vs. Pratima Mohanty and others*** [Criminal Appeal Nos.1455-1456 of 2021 decided on 11.12.2021], the Supreme Court in paragraph no. 6.2 has made following observations :

“6.2 It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 Cr.PC. when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 Cr.PC. the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 Cr.PC. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court.”

5] It is thus clear that we cannot make any inquiry into the truthfulness of the allegations by conducting a mini trial. Though the powers under Section 482 of Cr.PC are very wide, but the conferment of power requires the Court to be more cautions. There are no allegations

about the malafides. The applicant merely contends that he has been falsely implicated in connection with the crime. In view of the above, we pass the following order :

: O R D E R :

Criminal application is hereby rejected.

[SANDIPKUKAR C. MORE]
JUDGE

[V.K. JADHAV]
JUDGE.

grt/-