

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

**CRIMINAL WRIT PETITION NO.639 OF 2022**

Anil S/o Babanrao Jadhav,  
Age-40 years, Occu:Service,  
R/o-Akshay Colony, Vijaynagar,  
Bolhedgaon Phata, MIDC,  
Ahmednagar.

**...PETITIONER**

**VERSUS**

- 1) The State of Maharashtra,  
Through its Secretary,  
Home Department, Mantralaya,  
Mumbai-32,
- 2) The Superintendent of Police,  
Ahmednagar,
- 3) The Police Inspector,  
Police Station, Tofkhana,  
Tq. & Dist-Ahmednagar.

**...RESPONDENTS**

...  
Mr.V.D. Sapkal, Senior Counsel i/b. Mr. S.R. Sapkal  
Advocate for Petitioner.  
Mr.B.V. Virdhe, A.P.P. for Respondent Nos. 1 to 3.  
...

**CORAM: SMT. VIBHA KANKANWADI AND  
RAJESH S. PATIL, JJ.**

**DATE OF RESERVING ORDER : 1<sup>st</sup> AUGUST 2022**

**DATE OF PRONOUNCING ORDER : 22<sup>ND</sup> SEPTEMBER 2022**

**ORDER [ PER SMT. VIBHA KANKANWADI, J. ] :**

1. By invoking the constitutional powers of this Court under Article 226 of the Constitution of India as well as inherent powers under Section 482 of the Code of Criminal Procedure, the petitioner is seeking directions to register an offence in view of his compliant application dated 15<sup>th</sup> March 2022.

2. Heard Mr. V.D. Sapkal, learned Senior Counsel instructed by learned Advocate Mr. S.R. Sapkal appearing for the petitioner and Mr. B.V. Virdhe, learned APP appearing for the respondents.

3. It has been vehemently submitted by learned Senior Counsel on behalf of the petitioner that when the complaint application is very much clear and it is disclosing the cognizable offences, then the police ought to have registered the offence in view of the decision in ***Lalita Kumari vs. Government of U.P. and others, (2014) 2 SCC 1***. Copy of the said complaint application was also given to the Superintendent of Police, who can direct his subordinate to take cognizance of the offence in the cognizable case. Under such circumstance, the said mandate as required to be followed for a registration of the First

Information Report (for short "FIR") under Section 154 of the Code of Criminal Procedure, has not been followed. The act of respondent No.3 is arbitrary and illegal. Now, after the affidavit-in-reply has been given, it has been stated that the complaint application filed by the petitioner has been sent to Anti-Corruption Division of the Police. When in fact the cognizable offence is made out, complaint application ought to have been registered as FIR.

4. Per contra, the learned APP strongly opposed the Petition and submitted that if we consider the complaint application that has been filed by the petitioner initially with Police Inspector, Tofkhana Police Station, Ahmednagar, then it can be seen that it is against one Ravindra Shivnarayansinh Pardeshi, who is serving as executive engineer with Public Works Department at Nashik. His wife Seema Bais-Pardeshi is also a Government servant and according to the petitioner these two persons had given huge amount to the petitioner as loan but it is stated that huge amount of interest was then recovered from him. It is then stated that certain documents have been got executed from him in the name of father of said Ravindra Pardeshi and according to the petitioner it is entirely a racket which is putting the amount

collected byway of corruption in the money lending business. Definitely, the complaint application is to be investigated by the Anti-Corruption Bureau and therefore, the said complaint application has now been referred to that department. The Police Inspector, Tofkhana Police Station, under such circumstances, cannot be directed to lodge the FIR with the police station.

5. If we consider the complaint application which appears to have been given by the present petitioner to the Police Inspector, Tofkhana Police Station, Ahmednagar on or about 15<sup>th</sup> March 2022 and the copy of the same appears to be given to the Superintendent of Police, Ahmednagar disclosing that the petitioner is doing construction business and he was in need of money. He was introduced by a partner to Ravindra Pardeshi, who is serving as executive engineer in Public Works Department. Since petitioner was in need of money for his business, he requested said Ravindra Pardeshi to lend him money and then he says that said Ravindra Pardeshi gave him money at the interest of 3% per month. As a part of security Ravindra Pardeshi had got executed sale deeds of various lands of the petitioner in the name of his father. At this stage it can be observed that it was the oral contract and if some other

document has been executed than the oral contract, then it is for the petitioner to take appropriate action. But it appears that it was the voluntary act on the part of the petitioner. Petitioner says that such transaction was there between him and Ravindra Pardeshi since 2014. According to the petitioner, whatever amount Ravindra Pardeshi was providing to him, was the money collected by Ravindra Pardeshi byway of corruption. The petitioner has given details as to howmuch amount was deposited by him in the account of Shivnarayan Pardeshi i.e. father of Ravindra Pardeshi and some other details have also been given as to in whose name, who are stated to be the friends or relatives of Ravindra Pardeshi, the petitioner has returned the amount which he had taken as loan with interest. In clear terms at many places in the said complaint application the petitioner has stated that the said amount was collected by Ravindra Pardeshi byway of corruption. Under such circumstance, as per the affidavit-in-reply, the Police Sub Inspector of Tofkhana Police Station, Ahmednagar, Mr. Samadhan Solanke, has stated that after they had gone through the complaint application, the Superintendent of Police has transferred the inquiry to Anti-Corruption Bureau on 27<sup>th</sup> June 2022. In view of the said statement, directions cannot be issued

to the respondents to lodge the FIR under Section 154 of the Code of Criminal Procedure with Tofkhana Police Station, Ahmednagar. There has to be an inquiry by the Anti-Corruption Bureau when it is stated that a Government servant had collected the amount beyond his known sources and then byway of his activities he had supplied money to the petitioner on interest. No fault can be found in the action taken by the respondents and the Writ Petition deserves to be rejected.

6. The Writ Petition stands rejected.

**[RAJESH S. PATIL]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

asb/SEP22