

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL APPLICATION NO. 2554 OF 2021

RAJENDRA PRASAD S/O PURAN SINGH RAJPUT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....

Advocate for Applicant : Mr. Swapnil S. Patankar i/by M/s. J.P. Legal
Associates

APP for Respondent No.1-State : Mr. S. P. Tiwari

.....

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 12 OCTOBER 2022

PER COURT :-

1. Heard learned Advocate for the applicant and the learned APP.
2. Pursuant to the directions on the last date, the Investigating Officer has filed his affidavit.
3. The applicant is claiming quashment of F.I.R. No. 430 of 2018 lodged with Anandnagar Police Station, Osmanabad registered on 05.12.2018 for the offence punishable under Sections 406, 418, 420, 468, 504, 506 r/w 34 of IPC.
4. The Investigating Officer, in para 4 of his affidavit, has mentioned as under:

- “4. I say and submit that, investigation of aforesaid crime was completed and Charge Sheet bearing No.64 of 2021 was filed before the Magistrate on 15.06.2021 and the same was numbered as RCC No.370 of 2021 dated 18.06.2021. I say and submit that, during investigation of the crime it was revealed that the role of present petitioner is to the extent of “BHAAGADHARAK” (Share Holder) and he is not the director of the company. I say and submit that, after verifying the documents and investigation it was noticed that there is no specific role attributed to the present petitioner as well as there is no evidence against him in the aforesaid crime. I say and submit that, because of above circumstances the name of the petitioner is deleted from the charge sheet as the petitioner is not the director of the Company.”
5. It appears that charge sheet has already been filed against the culprits and the applicant has not been proceeded against by reaching a conclusion that he was merely a shareholder and not director of the company.
6. Since the name of the applicant appears in the FIR, in view of the stand being taken by the Investigating Officer, we allow the criminal application and quash and set aside the FIR *qua* the petitioner.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]