

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL SIDE APPELLATE JURISDICTION

WRIT PETITION NO. 4502 OF 2017

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RAJNIKANT
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|---|---|---|
| 1 | Shri Narendrakumar A. Baldota |] |
| | aged about 73 years, Occu: Business |] |
| | residing at “Narendra Bhavan”, 194, |] |
| | Station Road, Wadala, Mumbai 400 031. |] |
| | at present at Hospet, State of Karnataka. |] |
| 2 | Shri Shantilal B. Chhajed |] |
| | aged about 84 years, Occu: Business |] |
| | residing at A-106, Silver Apartments, |] |
| | Shankar Ghanekar Road, Dadar (W), |] |
| | Mumbai 400 028. |] |
| 3 | Shri Ashok B. Vakharia |] |
| | aged about 67 years, Occu: Business |] |
| | residing at 5/501, “Menka”, Plot 142-43, |] |
| | Nalanda Menka Co-op. Housing Society, |] |
| | J. P. Road, Versova, Andheri (W) |] |
| | Mumbai 400 053. |] |
| 4 | Shri Anand P. Ahire |] |
| | aged about 60 years, Occu: Business |] |
| | residing at behind Santosh Flour Mill, |] |
| | Govandi, Tata Nagar, Mumbai 400 053. |] |
| 5 | Shri Parasmal P. Golecha |] |
| | aged about 72 years, Occu: Business |] |
| | residing at 42, Violet Villa, West Avenue |] |
| | Santacruz (W), Mumbai 400 054. |] |
| 6 | Shri Subhash R. Baldota |] |
| | aged about 67 years, Occu: Business |] |
| | residing at Bungalow No.9, Mughol |] |
| | Garden Society, North Main Road, |] |
| | Lane No.5, Koregaon Park, Pune 400 001. |] |
| 7 | Shri Pankaj J. Mehta |] |
| | aged about 62 years, Occu: Business |] |
| | residing at Mewawala Building, 3 rd Floor, |] |
| | Post Office Lane, Derasar Lane, Wadala |] |
| | Mumbai 400 031. |] |
| 8 | Shri Manmohansingh H. Ratti |] |

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|----|---|---|--------------|
| | aged about 52 years, Occu: Business |] | |
| | residing at 6/136, Hazara Society, |] | |
| | Chna Bhatti, Sion, Mumbai 400 022. |] | |
| 9 | Shri Shrenik N. Baldota |] | |
| | aged about 46 years, Occu: Business |] | |
| | residing at "Narendra Bhavan", 194, |] | |
| | Station Road, Wadala, Mumbai 400 031. |] | |
| 10 | Shri Nandkumar B. Rege |] | |
| | aged about 55 years, Occu: Service |] | |
| | residing at Flat No.402, Building No.4, |] | |
| | The Discovery Co-op. Housing Society Ltd. |] | |
| | Dattapada Road, Borivali (East) |] | |
| | Mumbai 400 066. |] | Petitioners. |
| | v/s. | | |
| 1 | Shrikrishna Suhas Parkar |] | |
| | aged about 40 years, Occu: Business |] | |
| | (Prop. of M/s. Parkar Chemicals), |] | |
| | residing at Modak Apartment, Near |] | |
| | Salvekar Hospital, Nehru Nagar, |] | |
| | Pimpri, Pune, |] | |
| 2 | The State of Maharashtra |] | |
| | (at the instance of the Senior Inspector |] | |
| | of Police), Bandra Police Station vide |] | |
| | F.I.R. No.401 of 2017. |] | Respondents. |

Mr. Nitesh Sejpal, for the Petitioners.

Mrs. S. D. Shinde, APP for the Respondent-State.

Mr. Samir Shisode, for Respondent No.2.

**CORAM: PRASANNA B. VARALE &
S.M. MODAK,JJ.
DATED : 29th APRIL, 2022.**

JUDGMENT (Per S.M.MODAK,J.):

This is a Petition for quashing of the FIR by directors of the Greater Mumbai Bank Limited, Vashi.

2 This is prosecution in an offence bearing No. 401 of 2017 dated 30th August, 2017 registered at Bandra Police Station. It was for the offences under Sections 420, 406, 467, 471 read with Section 34 of the Indian Penal Code on the complaint of one Mr. Shrikrishna S. Parkar who is Respondent No.1. Initially, offence is registered with Pimpri Police Station and then it is transferred to Bandra Police Station.

3 The sum and substance of the allegation is that all the Petitioners have assured the first informant to arrange for loan and they prepared various documents and obtained the signature of the first informant and in stead of disbursing an amount of Rs.67,43,674/-, Petitioners have misappropriated that amount.

4 The Petitioners have been granted anticipatory bail by the Court of Additional Sessions Judge, Bombay as per the order dated 13th October, 2017. This Petition for quashing is filed on merits. There is an order dated 27th February, 2018 passed by this Court, not to file charge-sheet until further orders.

5 Petitioners have denied all the allegations and they contend that, it was the genuine loan transaction. There was recovery proceeding initiated before the Special Recovery Officer of Co-operative Societies and both the parties have entered into a consent terms and filed it on 12th October, 2015. The Respondents therein have admitted the liability to the tune of Rs.83,60,071 and have also paid that amount. Accordingly, he has filed an affidavit, thereby giving consent for quashing.

6 Today, both the parties are present. Respondent No.1 has given an explanation that due to misunderstanding, he has filed that complaint. The main contention is about grant of loan and recovery. That has been done. So no purpose will be served by keeping the prosecution pending. Hence, we are inclined to quash the proceeding by exercising power under Section 482 of the Criminal Procedure Code. Hence, the following order:-

- (a) Writ Petition is allowed.
- (b) FIR bearing No. 401 of 2017 dated 30th August, 2017 registered at Bandra Police Station, for the offences under Sections 420, 406, 467, 471 read with Section 34 of the Indian Penal Code, is quashed and set aside.

(S.M. MODAK,J.)

(PRASANNA B. VARALE,J.)