

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

CRIMINAL APPLICATION NO. 92 OF 2020

Santosh Bhimaji Gandhade and Others

..APPLICANTS

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. S.R. Sapkal, Advocate h/f Mr. V.D. Sapkal, Advocate for applicants

Mr. M.M. Neralikar, A.P.P. for respondent nos.1 and 2

Mr. A.S. Gandhi, Advocate for respondent no.3

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**CORAM : R.G. AVACHAT AND
KISHORE C. SANT, JJ.**

DATE : 30th OCTOBER, 2023

PER COURT :

1. Heard. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the First Information Report ('F.I.R.'), bearing Crime No. 887 of 2019 registered with Parner Police Station, Dist. Ahmednagar for the offences punishable under Sections 195A, 188, 504 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.') and consequential criminal proceeding pending on the file of J.M.F.C., Parner.

2. Admittedly, cognizance of the offence has been taken on filing of the charge-sheet / police report submitted under Section 173(2) of Code of Criminal Procedure. Cognizance of offence punishable under Sections 188

and 195A of the I.P.C. cannot be taken on police report. There is interdict of Section 195 of Code of Criminal Procedure in that regard. Cognizance of this offence could only be taken on the complaint made by the public servant concerned or his subordinate duly authorized to file such complaint. So far as other crimes viz. under Section 504 and 506 are concerned, those are non-cognizable.

3. Since taking cognizance of these offences on police report is not permissible, we allow the criminal application in terms of prayer clauses [B] and [B-1].

SSD (KISHORE C. SANT, J.)

(R.G. AVACHAT, J.)