

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

WRIT PETITION NO.13017 OF 2023

**UMAKANT VASANTRAO BORSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. A. D. Aghay, Advocate for Petitioner
Mr. P. S. Patil, AGP for Respondents – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.10.2023.

PER COURT :-

1. The Petitioner has been issued with a notice with regard to certain allegations of misappropriation. He has straightway filed this petition, praying that no action should be initiated against him.

2. It is a settled position of law that if the employer has issued a show cause notice to an employee, asking him to explain certain acts, a reply should be filed to the employer to make out a case against the show-cause notice. The High Court cannot monitor such a disciplinary proceeding by preventing the employer from initiating disciplinary action.

3. The learned Advocate for the Petitioner submits that until the employer decides the issue, an FIR should not be registered. We find that a charge of misappropriation of Rs.10,50,000/- (Rupees Ten Lakh Fifty Thousand) is alleged against the Petitioner. If an FIR is sought to be filed by the employer, we do not find any reason to interfere with the same, since the law will take its own course and the investigation will bring out the truth.

4. In view of the above, **this Petition is disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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