IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

992 CRIMINAL APPLICATION NO.4351 OF 2022

1. Vikram Raosaheb Gadhekar.
2. Anand Siddheshwar Upadhye.
3. Laxman Janardhan Funne.
4. Yogesh Digambar Hiwale. **… Applicants**

Versus

1. The State of Maharashtra.
2. Madhuri Vikram Bhalerao. **… Respondents**

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Mr. Umesh N. Shete, Advocate for Applicants.
Mr. P. G. Borade, APP for Respondent No.1 / State.
Mr. Bhimrao Ganpat Lathe, Advocate for Respondent No.2.

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CORAM : **R. G. AVACHAT and SANJAY A. DESHMUKH, JJ.**

DATE : 25th July, 2023.

Per Court:

1 Heard.

2 This application has been filed for quashment of FIR and consequential charge-sheet in R.C.C. No.2109 of 2022, for the offences punishable under Sections 406, 420, 468 and 471 read with 34 of the Indian Penal Code.

3 The learned counsel for respondent/informant and the learned APP would submit that the charge-sheet is of not less than 700 pages. There is strong material against the applicants herein. They were hand-in-gloves with accused No.1. The applicants received as sum of Rs.60,000/- to grant co-accused a hefty loan against a plot in CIDCO, Aurangabad.

4 What can be gathered from the police papers is that the respondent/informant was a lessee of a plot bearing No.N-11/K/47/06 in CIDCO, Aurangabad. The plot is admeasuring 34.71 square meters with built up portion thereon admeasuring 14.53 square meters. The record indicates that this respondent/informant executed deed of assignment (registered document) in favour of accused No.1 on 1st April, 2016. The CIDCO granted its permission for such assignment vide Tenement Transfer Order dated 22nd April, 2016. Thereafter, accused No.1 raised a loan first from Equitas Financial Private Limited as against the security of the said premises. Thereafter, again he secured loan from L&T Finance Limited in September, 2017. While availing the loan from L&T Finance Limited, the earlier loan transaction was disclosed. Thereafter, again he obtained a loan from A.U. Small Finance Bank for Rs.17,00,000/-. The very plot was given as a security for the said land.

5 The applicants before this Court are the employees of the said A.U. Small Finance Bank. They are alleged to have been hand-in-gloves with accused No.1 in sanctioning him loan of Rs.17,00,000/-. Admittedly, the said A.U. Small Finance Bank has not initiated any action against the present applicants. The FIR has also not been lodged by any of the officials of A.U. Small Finance Bank. We fail to understand as to how the present applicants have been involved in the crime in question when everything was disclosed to the A.U. Small Finance Bank and then accused No.1 was granted loan. In this factual backdrop, asking the applicants to stand trial would be an abuse of process of Court. Hence, the application is allowed in terms of prayer clause (A).

[SANJAY A. DESHMUKH, J.] **[R. G. AVACHAT, J.]**

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