

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

CRIMINAL WRIT PETITION NO.6804 OF 2021

Rajendra Vasantrao Gaikwad ... Petitioner
Versus
Officers Incharge,
Sinnar Police Station and Ors. ...Respondents

Mr. Anant Vadgaonkar, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondents – State.

PSI – A. N. Kamble, Sinnar Police Station, Nashik, is present.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

DATE : 27th JULY 2023

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner has sought the following substantive reliefs:-

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“(a) This Hon’ble Court may kindly be pleased to issue appropriate Writ, Order or direction in like nature to register an FIR against the Respondent No.5 and its

Officials, for the commission of act of forgery, fraud, cheating, misappropriation of amount, Criminal Breach of Trust under the provisions of sections 409, 420, 467 r/w 34 of IPC & MPID Act;

- (b) The Respondent No.2 be directed to independently inquire into commission of offence 409, 420, 467 r/w 34 of IPC & MPID Act, by the Respondent No.5 and its Officials and same shall be dealt with the provisions of law.”

3. It appears that the petitioner had made a complaint to the Officer Incharge, Sinnar Police Station, Nashik, alleging illegalities, fraud committed by the Board of Directors of Dilip Anna Shinde, Nagari Sahakari Pat Sanstha, Sinnar. The said complaint is dated 5th December 2018 and is at Exhibit – ‘B’, on page 24 of the petition.

4. Learned APP has tendered the decision taken on the said complaint dated 5th December 2018, preferred by the petitioner. Learned APP states that the police of Sinnar Police Station, Nashik have communicated the decision on the said complaint, some time in November 2019. In the communication, it is stated that the dispute appears to be of a civil nature and hence it has been filed. It also

appears that the petitioner has been informed by the concerned authority to redress their grievance before the Registrar, Co-operative Society.

5. In view of what is stated by the learned APP, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file such proceedings as maintainable in law, before the appropriate authority/forum.

6. Petition is accordingly disposed of as withdrawn, with liberty as prayed.

7. We make it clear, we have not heard the petition on merits with respect to the allegations made in the complaint and as such all contentions of all parties, are kept open.

All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.