

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CRIMINAL APPLICATION NO. 1643 OF 2024

HIRALAL GANPATRAO NIMBALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Ansari Asfia Nuzhat
APP for Respondent No. 1 : Mr. G.A. Kulkarni

...

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 07 MAY 2024

PER COURT :

This is a proceeding under Section 482 of the Code of Criminal Procedure, seeking quashment of Crime No. 79 of 2024 registered with AUSA Police Station, District Latur, for the offence punishable under Section 7, 7 (A) of the Prevention of Corruption Act, 1988.

2. We have heard learned Advocate for the applicant. She submits that the applicant has been falsely implicated on the verge of his retirement. There was no occasion for him to raise any demand much less as a bribe. He has not received the money and

it would be abuse of the process of law to make him face the investigation and a possible prosecution.

3. A bare look at the FIR would reveal that there has been telephonic conversation which has also been recorded, expressly attributing the applicant of demanding Rs. 1,000/- from the *de facto* complainant. He even insisted for an online payment when the *de facto* complainant expressed his inability to do so, the applicant is stated to have asked him to bring cash. This incident is preceded by a telephonic talk after the *de facto* complainant put the mobile phone on speaker so that even the panch could hear the conversation.

4. The FIR also reveals about the applicant having asked the *de facto* complainant to come to a CNG pump for making the payment. Even this conversation was over heard by the panchas when the mobile phone was kept on loud speaker mode. Even the applicant thereafter asked him to go and pay at the office. He then asked the *de facto* complainant to pay it to telephone operator Mr. Yevtekar.

5. There is further conversation also which is evident from the FIR, *prima facie*, substantiating the allegations about the

applicant having raised the demand and as per his instructions bribe was accepted by the operator – Mr. Yevtikar.

5. In our considered view, this is not a fit case to quash the crime. Application is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]