



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

930 CRIMINAL APPLICATION NO.2765 OF 2024

- 1 Govind Devakinandan Agrawal,  
Age 58 yrs., Occ. Business,
  - 2 Shubham Govind Agrawal,  
Age 27 yrs., Occ. Business,
- Both are r/o Subhash Road,  
Shivaji Nagar, Parbhani,  
Tq. & Dist. Parbhani.
- 3 Gaurishankar Devakinandan Agrawal,  
Age 61 yrs., Occ. Business,  
R/o Shanivar Bazar, Parbhani,  
Tq. & Dist. Parbhani.

... Applicants

... Versus ...

- 1 The State of Maharashtra  
Through Nanalpeth Police Station,  
Tq. & Dist. Parbhani.
- 2 Rajesh Madhukarrao Kale,  
Age 45 yrs., Occ. Business,  
R/o Erandeshwar, Tq. Purna,  
Dist. Parbhani.

... Respondents

...

Mr. A.N. Nagargoje, Advocate h/f Mr. R.N. Jadhav, Advocate for applicants

Dr. Kalpalata B. Patil Bharaswadkar, APP for respondent No.1

...

**CORAM : SMT. VIBHA KANKANWADI &  
ABHAY S. WAGHWASE, JJ.**

**DATE : 08<sup>th</sup> AUGUST, 2024**

**ORDER :**

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing First Information Report vide Crime No.68/2023 dated 27.02.2023 lodged at the behest of respondent No.2 with Nanalpeth Police Station, Tq. & Dist. Parbhani, for the offence punishable under Section 380, 414, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate for applicants and learned APP for respondent No.1. It is not even necessary to issue notice to respondent No.2.

3 After taking us through First Information Report the learned Advocate for applicants submits that when the application was filed for bail by applicants upon the directions, amount of Rs.5,00,000/- has been given to the institution of respondent No.2 towards damages and, therefore, the purpose of the informant is served. He also submitted that the property in question belong to accused and, therefore, it cannot be said that offence has

been committed with some motive. In fact, there is no evidence on record collected to show that the informant was the Chairman of The Sahayog Beejotpadak Kharedi Vikri Va Prakriya Sahakari Sanstha Maryadit, Parbhani. The electricity supply of the society was disconnected on 23.03.2019, which indicates that the society was not functioning. Nothing has been recovered from applicants during the investigation and, therefore, the case squarely fits in parameters laid down in **State of Haryana and others vs. Ch. Bhajan Lal and others**, [AIR 1992 SC 604].

4           At the outset, we would like to say that payment of any amount may be under orders of the Court was by way of compensation and it cannot wipe out the offence. That cannot be the ground for quashing the First Information Report. We do not want that any party who use the action of issuing notice by the Court as a pressure tactic for compromise.

5           Perusal of contents of First Information report disclose the offence. It would be then matter of evidence to show for the informant that he was the Chairman of the concerned society. Whether the society was closed down or not is not in question, but then when it says that the machinery/articles belonging to society were at the said place, then without the consent of the society those articles cannot be moved.

6                Since the prima facie case appears to have been made out, there is no question of quashment of the First Information Report. The application stands rejected at the threshold.

(ABHAY S. WAGHWASE, J.)

( SMT. VIBHA KANKANWADI, J. )

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