



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

81 CRIMINAL WRIT PETITION NO. 1140 OF 2018

OMPRAKASH S/O. RATANLAL MALPANI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Rajendra Deshmukh, Senior Advocate a/w. Ms. Meenal
S. Deshmukh Advocate i/b. Mr. Devang Deshmukh Advocate
for Petitioner.
Mr. D.J. Patil, A.P.P. for Respondent Nos. 1 and 2.
...

CORAM: S.G. MEHARE, J.

DATE : 15th JULY, 2024

ORDER :

1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner has impugned the order of the learned Additional Sessions Judge, Majalgaon, passed below Office Note, dated 19th June 2018. The learned Additional Sessions Judge declined to issue process against the respondent – Mahananda Multistate Urban Co-operative Credit Society under Section 3 of the Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act (for short "M.P.I.D. Act") on the

ground that Section 154(3) of the Code of Criminal Procedure has not been complied with.

3. Learned counsel for the petitioner would submit that a copy of the report was sent to the Superintendent of Police when the report was lodged. This is not the requirement of Section 154(3) of the Code of Criminal Procedure. If the police fail to take action, the complainant has to approach the Superintendent of Police under Section 154(3) of the Code of Criminal Procedure. This has not been done. That apart, the petitioner contended that the credit society did not return his money deposited with it because he was a guarantor for the borrower, and his money was adjusted towards the debt due against the borrower.

4. Considering the facts of the case, it is hard to believe that offence under Section 3 of the M.P.I.D. Act, is made out. It appears to be purely a civil dispute. The grievance of the petitioner is not remedy-less. Legal remedies are available to him. After having gone through the facts of the case and the impugned order, the Court is satisfied that there are no errors of law in passing the impugned order. There is no substance in the

Petition. Therefore, it deserves to be dismissed. Hence, the following order:-

O R D E R

- (I) The Writ Petition stands dismissed.
- (II) No order as to costs.
- (III) However, the right to avail the remedy under the appropriate law has not been disturbed by this order.

[S.G. MEHARE, J.]