

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

CRIMINAL WRIT PETITION NO. 3405 OF 2018

Sanjay Patil & Ors. ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

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Mr. Pratik Deshmukh i/by Mr. Sanjeev P. Kadam, Advocate for the Petitioner.

Mr. B. S. Shinde, for Respondent No.2.

Mr. A. S. Shalgaonkar, APP for the Respondent – State.

Mr. Balu Ganpat Chakor, Indira Nagar Police Station, Nashik, present.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 23rd FEBRUARY, 2024.

P.C.:

1. The Petitioners are charge-sheeted for offences punishable under Sections 3, 4, 8, 7(A) & 7(AA) of the The Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987. The First Information Report (for short 'FIR') was registered on 26.07.2014 registered with Indira Nagar Police Station, Nashik City at the instance of Respondent No.2.

2. The case of the prosecution is that during the academic year 2013-2014 and 2014-2015, the management of the school had increased school fees by 20% which is contrary to Rules and

Regulations and the school authorities were making calls to the parents of the children studying in the school for payment of annual fees. The statements of the witnesses were recorded and the charge-sheet was filed.

3. There is settlement between the parties. The affidavit is filed by Respondent No.2 stating that the matter has been amicably settled between the parties and the complainant has no objection for quashing the impugned charge-sheet. It is submitted that there was parents meeting with the teachers and school management and with the consent of parents of the students, it was decided that the school fees would be enhanced only to the extent of 5% and not 20%. Some of the signatories on the Memorandum of Understanding executed between the parties are the witnesses in this case. There were other parents who were not signatories to the Memorandum of understanding but they had grievance against school for enhancing school fees. The hearing of this Petition was differed till today to enable the investigating officer to record statements of such aggrieved persons. The Investigating Officer has recorded the statements of Vinayak Laxman Sonavane, Kavita Nitin Jagtap, Jotsna Ganesh Sagam, Pratibha Punjahari Hande, Arun Balaji Khandbahale, Ashok Kisan Chumbhale and Bhaskar

Raghunath Borate on 22nd February, 2024. The said witnesses have no grievance against the Petitioners. The statements are taken on record.

4. It is submitted that the offence under the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987 are not attracted as the fees were hiked to 5% which is within permissible limits.

5. Hence, the impugned proceedings can be quashed.

ORDER

- i. Criminal Writ Petition No.3405 of 2018 is allowed and disposed off;
- ii. Proceedings in Summary Case No.2444 of 2015 pending before the learned J.M.F.C. Nashik arising out of C.R. No.3073 of 2014 registered with Indira Nagar Police Station, Nashik City are quashed and set aside.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)