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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4573 OF 2022

Vimal Jibhau Suryawanshi ... Petitioner

Versus

State of Maharashtra and another ... Respondents

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Mr. Mufeez Ansari instructed by Mr. Jitendra Khairnar for the
Petitioner.

Mr. Ajay Patil, APP for the State.

PSI Patel, Malegaon Taluka Police Station, present.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 15 JANUARY 2024

P.C. :-

1. This is a Petition under Article 226 of the Constitution of India, to quash First Information Report No. 524 of 2022, registered at Malegaon Taluka Police Station, for the offences punishable under Sections 409, 420 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2, who was working as In-charge Block

Education Officer, Panchayat Samiti Malegaon. Respondent No.2 has alleged that she had received complaint from villagers seeking enquiry in respect of disbursement of amount of Golden Anniversary Scholarship of the Zilla Parishad School. Respondent No.2 has stated that enquiry prima facie revealed that the Petitioner and others had misappropriated an amount of Rs.91,000/- during the period from 16 December 2020 to 31 December 2020.

3. Mr. Sujit Surendra Patil, Police Sub Inspector, Malegaon Taluka Police Station has filed his Affidavit, wherein he has stated that he has recorded statement of the witnesses in the course of investigation and that investigation reveals that the present Petitioner has not played any role in misappropriating the funds. He has further stated that the co-accused Waman Namdeo Suryawanshi had accepted the amount and that he has also repaid the said amount. The investigating officer has specifically stated that the Petitioner is not involved in the said crime and he will be filing a report under Section 169, Cr.PC. before the Magistrate at Malegaon.

4. Learned APP under instructions states that since there is

no prima facie material against the Petitioner, no charge-sheet will be filed against her and that necessary report will be filed. In the light of the said statement, the Petition stands disposed of with liberty to the Petitioner to file fresh Petition, in the event the learned Magistrate does not accept the report and orders further investigation.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)