



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.591/2024

(Shri Bablu S/o Dhanraj Bagde Vs. State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y.B. Mandpe, Advocate for the applicant.
Mr. S.S. Doifode, A.P.P. for non-applicant No.1/State.
Mr. P. Lakhani, Advocate for non-applicant No.2.

CORAM: VINAY JOSHI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 20.9.2024.

Heard.

2. This is an application seeking to quash criminal prosecution namely M.P.I.D. Case No.1/2017 arising out of Crime No.0047/2017 registered by non-applicant No.1 for the offence punishable under Sections 420, 406 and 409 of Indian Penal Code.

3. The applicant was serving as a Police Constable on the establishment of Police Headquarters, Nagpur. He had floated a scheme amongst his co-employees that on deposit of certain sum he would return the money with heavy interest at the rate of 25% per annum. Relying on such assurances total 64 employees serving in police department have deposited different sums with the applicant. Since the money was not returned despite assurances one of the aggrieved investor has lodged the report. The police have carried investigation and on completion filed chargesheet.

4. During investigation it was revealed that there are total 64 investors and they have deposited total amount of Rs.56,86,000/- with the applicant. In the meantime, the matter was settled and applicant has returned the invested

amount to all the depositors. The complainant has appeared and filed affidavit stating that her amount is returned and she has no objection to quash the proceeding. Likewise all 64 investors have also filed affidavits stating that their amounts have been returned and they have no grievance against the applicant.

5. We have called report from the Registrar (J.) of this Court who has verified the contents of all affidavit from the investors and found to be correct. Learned A.P.P. has also assured that all 64 investors have received money and gave no objection.

6. Investigating Officer Mr. Abhijeet Dwarkadas Chikhalikar is also present who has made a statement that applicant has returned money of all the investors which is revealed during the course of investigation.

7. It reveals that the applicant has initially paid some returns, however, later on he has avoided to pay. Entire money which the applicant had received has been returned. The offence cannot be termed as heinous or antisocial. Considering the peculiar facts that the amount of all the investors has been repaid, we deem it appropriate to exercise our inherent powers.

8. The applicant's learned Advocate would submit that the applicant would deposit sum of Rs.1,00,000/- towards rotating the police machinery.

9. In view of above, application is allowed. We hereby quash and set aside criminal prosecution namely M.P.I.D. Case No.1/2017 arising out of Crime No.0047/2017 registered by non-applicant No.1 for the offence punishable under Sections 420, 406 and 409 of Indian Penal Code.

10. Applicant shall deposit sum of Rs.1,00,000/- with Police Welfare Fund, Nagpur on or before 15.10.2024.
11. Stand over to 16.10.2024 for compliance.
12. We make it clear that if any complaint is received from some other investor, the police are free to take necessary action as permissible in law.

(MRS.VRUSHALI V.JOSHI, J.)

(VINAY JOSHI, J.)