



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 CRIMINAL APPLICATION NO.93 OF 2023

Dhanraj Narsinghdas Pallod,
Age 46 yrs., Occ. Business,
R/o Maitry Park, Ambajogai Road,
Latur, Dist. Latur.

... Applicant

... Versus ...

- 1 The State of Maharashtra
Through it's Secretary,
Home Department,
Mantralaya, Mumbai – 400 032.
- 2 The District Superintendent of Police,
Latur, Dist. Latur.
- 3 Santosh Mahadevappa Bembalkar,
Age 46 yrs., Occ. Business/Agri.,
Prop.: Rushi Trading Company,
Adat Shop, R/o APMC Market Yard,
Latur, Dist. Latur.
- 4 Basha Vajir Mulla,
Age 30 yrs., Occ. Business/Agri.,
Prop.: B.V. Mulla Adat Shop,
R/o APMC Market Yard, Latur,
Dist. Latur.

... Respondents

...

Mr. S.S. Thombre, Advocate for applicant
Mr. A.M. Phule, APP for respondent Nos.1 and 2
Mr. N.J. Patil, Advocate for respondent Nos.3 and 4
...

AND

47 CRIMINAL APPLICATION NO.112 OF 2023

Dhanraj Narsinghdas Pallod,
Age 46 yrs., Occ. Business,
R/o Maitry Park, Ambajogai Road,
Latur, Dist. Latur.

... **Applicant**

... **Versus** ...

- 1 The State of Maharashtra
Through it's Secretary,
Home Department,
Mantralaya, Mumbai – 400 032.
- 2 The District Superintendent of Police,
Latur, Dist. Latur.
- 3 Rajendra Vinayak Almale,
Age 53 yrs., Occ. Business/Agri.,
R/o Shop No.22B APMC Market Yard,
Latur, Dist. Latur.
- 4 Manohar Vitthalrao Veer,
Age 46 yrs., Occ. Business/Agri.,
R/o APMC Market Yard, Latur,
Dist. Latur.

... **Respondents**

...

Mr. S.S. Thombre, Advocate for applicant
Mr. G.A. Kulkarni, APP for respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 28th JANUARY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 The applicants in both matters have filed applications under Section 482 of the Code of Criminal Procedure, 1973 for quashing First Information Report. Applicant in Criminal Application No.93 of 2023 seeks quashment of First Information Report vide Crime No.535/2021 dated 06.10.2021 registered with Gandhi Chowk Police Station, Latur, for the offence punishable under Sections 403, 406, 409, 417, 420 read with Section 34 of the Indian Penal Code, 1860; whereas the applicant in Criminal Application No.112 of 2023 prays for quashing First Information Report vide Crime No.507/2021 dated 21.09.2021 registered with same Police Station, for the offence punishable under Sections 403, 406, 409, 417, 420 read with Section 34 of the Indian Penal Code, 1860.

2 In the first case i.e. Criminal Application No.93 of 2023, it is alleged that informant has been cheated to the extent of Rs.27,26,554/-. The said First Information Report is outcome of the directions given by Judicial Magistrate First Class, Latur in Regular Criminal Case No.1489/2021 dated 29.09.2021, wherein investigation was directed to be conducted under Section 156(3) of the Code of Criminal Procedure. There were two informants/complainants and the said amount which is alleged to be misappropriated is the collective amount. As regards another matter i.e. Criminal Application No.112 of 2023 is concerned, First Information Report is the outcome of order passed by learned Judicial Magistrate First Class in Regular Criminal Case No.1488/2021 under Section 156(3) of the Code of Criminal Procedure dated 15.09.2021. It is alleged that there is misappropriation of amount of Rs.25,18,195/- in respect of all the informants and witnesses.

3 The applicants and respondent No.2 in the matters have come with a case that there is a settlement between them. Such application was filed in respective matters on 08.12.2021, wherein permission was sought for compounding the offence and withdrawal of complaint under Section 320 of the Code of Criminal Procedure. It appears that by order dated 09.12.2021 learned Judicial Magistrate First Class has practically refused to allow

compounding of the offence. In the affidavit along with applications in respective matters it has been stated that informant and witnesses have received their respective amounts.

4 It is to be noted that since the order under Section 156(3) of the Code of Criminal Procedure passed, practically there was nothing before the learned Magistrate and the First Information Report was already registered when the said applications for compounding were filed. The charge sheet was not before the learned Magistrate. Applicants have produced the account extract of their accounts, wherein it is shown that the amount which was due towards informant and witnesses have been given by applicants. Under such circumstance, where in fact, the transaction was between informant, witnesses and company, wherein applicants were serving and company has made the payment to informant and witnesses, this would be a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

1 Both criminal applications stand allowed.

2 First Information Report vide Crime No.535/2021 dated

06.10.2021 registered with Gandhi Chowk Police Station, Latur, Tq. & Dist. Latur, for the offence punishable under Sections 403, 406, 409, 417, 420 read with Section 34 of the Indian Penal Code, 1860 stands quashed and set aside as against applicant in Criminal Application No.93 of 2023.

3 First Information Report vide Crime No.507/2021 dated 21.09.2021 registered with Gandhi Chowk Police Station, Latur, Tq. & Dist. Latur, for the offence punishable under Sections 403, 406, 409, 417, 420 read with Section 34 of the Indian Penal Code, 1860 stands quashed and set aside as against applicant in Criminal Application No.112 of 2023.

4 Applicant in both Criminal Applications to deposit costs of Rs.20,000/- (Rupees Twenty Thousand only) each, on or before 15.02.2025, with the Registry i.e. the Committee consisting of Dr. Sanjay Warade, Medical Officer, Government Dispensary, High Court of Bombay, Bench at Aurangabad and learned Registrar (Administration), High Court of Judicature at Bombay, Bench at Aurangabad.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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