



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

21 CRIMINAL WRIT PETITION NO. 1803 OF 2022

Pandit Fattu Chavan And Others

VERSUS

Police Inspector, City Police Station, Jalgaon And Another

- ...
- Adv. S. S. Gangakhedkar h/f. Deshmukh Mahesh S., Advocate for the Petitioner in Criminal Writ Petition No. 1803 of 2022
 - Adv. P. U. Gujrathi h/f. Mr. Vijay P. Latange, Advocate for the Petitioners in Criminal Writ Petition No. 81 of 2023
 - Mr. A. S. Shinde, APP for Respondent/s – State in both Criminal Writ Petitions

...

WITH

CRIMINAL WRIT PETITION NO. 81 OF 2023

...

AND

CRIMINAL WRIT PETITION NO. 590 OF 2017

Kashinath Baburao Patil And Others

VERSUS

The State Of Maharashtra And Another

...

Adv. Nitin Aute h/f. Mr. D. B. Thoke, Advocate for the Petitioners
Mr. S. A. Gaikwad, APP for Respondent No. 1/State
Mr. N. J. Patil, party-in-person – Absent

...

WITH

**CRIMINAL APPLICATION NO. 762 OF 2025
IN WP/590/2017**

...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.**

DATE : 13th OCTOBER, 2025

PER COURT:

1. Both these petitions seek quashing of the order passed in Criminal Application No. 170 of 2014, passed by the learned Additional Sessions Judge, Jalgaon dated 07.01.2017 and consequently to quash and set aside the order passed by learned Chief Judicial Magistrate, Jalgaon in Criminal Miscellaneous Application No. 460 of 2013 thereby directing respondent no. 1 to investigate under Section 156(3) of Cr.PC. and consequential FIR registered as Crime No. 182 of 2013 dated 13.12.2013, with City Police Station, Jalgaon under Sections 109, 120B, 200, 203, 205, 212, 406, 408, 409, 415, 416, 420, 424, 468, 471, 475, 477A, 503 read with Section 34 of Indian Penal Code. Respondent No. 2/party-in-person lodged the private complaint arraying 150 persons as accused including the then Ministers, Government Officials, present Secretaries, Chairman of NDDB, District Deputy Registrar, Divisional Joint Registrar, etc. and the employees of the NDDB as respondents accused.

2. We have heard learned advocate for the petitioners, learned APP for the State. On the last date, the party-in-person argued on the merits of the matter.

3. It is in dispute that this Court has quashed and set aside the said FIR and the proceeding at the instance of the then Minister in Criminal Writ Petition No. 125 of 2014 with Criminal Application No. 3858 of 2016 by order dated 18.07.2016.

4. By order dated 09.12.2020, this Court allowed Criminal Writ Petition No. 440 of 2017 filed by the Then Minister, Criminal Writ Petition No. 574 of 2017 filed by the Ex-Chairman of NDDDB, Ex-Managing Director of NDDDB, further high-ranking Officers of NDDDB by making observations on the merits of the matter, which are reproduced herein below :

“10. Apparently, the management of the Dairy could have been handed over to body like NDBB, which is a body of Central Government and so the irregularities, if any, cannot be considered in the proceeding like present one. To show that they have committed some offence on the ground that they have no authority to manage this Dairy, first the action of the State by which the management was handed over to NDBB needs to be set aside by proper Court. Till this date, no Court has declared that handing over of the management to NDBB was illegal and the persons managing the business of the Dairy are not authorized. The aforesaid allegations made in the complaint by Nagraj Patil show that all the allegations revolve around his allegations that NDBB has no authority to manage Jalgaon Dairy. The report submitted by the investigating agency to learned APP dated 23rd November, 2020 shows that they were trying to get forensic audit done of this Dairy. In view of the nature of allegations made by Nagraj Patil and which are quoted above, this Court has formed opinion that, for present matter, there was no need of such audit. However, it will be always open to take action if incidents of misappropriation are noticed during audit. The allegations made in the complaint filed by Nagraj Patil do not make out

any such offence. The complaint was given against many persons. This Court has quashed the FIR, which was registered against one Minister Shri Gulabrao Baburao Deokar and at present there are two proceedings, which this Court is considering. In view of the aforesaid circumstances, this Court is granting the relief to the Petitioners of Criminal Writ Petition No.440 of 2017 and Criminal Writ Petition No.574 of 2017. This Court holds that there is no need to handover the investigation to CBI. In the result, the following order is passed:

ORDER

- I. Criminal Writ Petition No.440 of 2017 and Criminal Writ Petition No.574 of 2017 are allowed.*
- II. Relief is granted in favour of the Petitioners of quashing of the order made by learned Chief Judicial Magistrate, Jalgaon in Criminal Misc. Application No.460 of 2013 by which investigation was directed under Section 156(3) of the Code of Criminal Procedure.*
- III. C.R. No.182 of 2013, registered with Jalgaon City Police Station on the basis of order of learned Chief Judicial Magistrate, Jalgaon, is also quashed and set aside to the extent of the present Petitioners.*
- IV. Criminal Writ Petition No.199 of 2019 stands dismissed.*
- V. Criminal Applications filed by Shri Nagraj Patil stand disposed of.*
- VI. Rule is made absolute in above terms.”*

5. Admittedly, this order covers the present petitions. Hence, for the reasons stated in paragraph 10 of the order dated 09.12.2020, the Criminal Writ Petitions are **allowed** in terms of the orders passed by this Court.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]