



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1322 OF 2024

Anil Panditrao Salunke

.. Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Akkalkuva Police Station, Akkalkuva,
Taluka and District Nandurbar.
2. The Superintendent of Police,
Nandurbar,
Taluka and District Nandurbar.

.. Respondents

...

WITH

CRIMINAL APPLICATION NO.1325 OF 2024

Kirsingh Hunya Vasave

.. Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Akkalkuva Police Station, Akkalkuva,
Taluka and District Nandurbar.
2. The Superintendent of Police,
Nandurbar,
Taluka and District Nandurbar.

.. Respondents

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Mr. S. S. Bora, Advocate for the applicant in Criminal Application No.1322 of 2024.

Mr.S. P. Pandit and Mr. A. R. Syed, Advocate for applicant in Criminal Application No.1325 of 2024.

Mr. G. A. Kulkarni, APP for the respondents/State in both the matters.

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 13 JANUARY 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Both the applications have been filed for quashment of the F.I.R. vide Crime No.498 of 2023 registered with Akkalkuwa Police Station, District Nandurbar for the offences punishable under Sections 420, 409 read with Section 34 of Indian Penal Code.

2. It is not even necessary to issue notice to the informant. In fact, both the applications are for quashment of the FIR, but both the applicants have not made the informant as party respondent for no reason at all.

3. Heard learned Advocate Mr. S. S. Bora for the applicant in Criminal Application No.1322 of 2024, learned Advocate MR. S. P. Pandit and Mr. A. R. Syed for applicant in Criminal Application No.1325 of 2024 and learned APP Mr. G. A. Kulkarni for the respondents/State in both the matters.

4. We have been taken through the FIR, which has been lodged by Junior Engineer, Narmada Vikas Project, which is of course in the official capacity. In the FIR, the informant has stated that there was inquiry in respect of complaint in respect of

the work given to Anil Salunke i.e. applicant in Criminal Application No.1322 of 2024 and it was found that he has not done the complete work and cheated the government to the extent of Rs.48,53,160/-. He was given contract to begin borewell work of 51 persons under a project. The applicant in Criminal Application No.1325 of 2024 is an activist and an elected representative of the project affected persons. He is member of Zilla Parishad, Nandurbar, but he has been arrayed as accused No.2. The learned Advocates rely on certain reports and submitted that no contract was given through the office. There was inspection in respect of construction of borewell and depending upon the stage, amount has been disbursed. The amount would be disbursed to the beneficiary directly and therefore, according to the applicants there is no question of corruption in the matter.

5. At the outset, it is to be noted that there is no explanation by the applicants as to how they have obtained the office copies of the reports, which they are relying upon. Another fact to be noted is that in the FIR, the informant has specifically stated that there was a committee appointed to look into the complaint. On the basis of said report when the FIR has been lodged, a contrary

report if it is in existence will have to be explained and it would amount to then conflict with fact which cannot be gone into in this proceedings. There was an inspection of the work done in respect of borewell granted under the scheme and it was found that 90% of the amount has been disbursed, but out of 51 beneficiaries, the work of 31 beneficiaries is found to be incomplete. Each one of them has been cheated to the extent of Rs.1,42,740/- i.e. in all Rs.48,63,160/-. Taking into consideration the fact that the public money is involved, the matter certainly requires investigation. We do not find this to be a fit case where, only on the basis of such report on which the applicants want to rely, we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Both the applications stand rejected at the threshold.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm