



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3143 OF 2013

Pralhad Trimbakrao Rodge,
Age : 43 years, Occ : Service,
R/o Selu, Tal. Selu, Parijat Colony,
District Parbhani.

...Applicant/ accused No.3

- *Versus* -

1. The State of Maharashtra.
Through Police Station, Pathari,
Tq. Pathari, Dist. Parbhani.
2. Rangnath Narayanrao Jawale,
Age : 60 years, Occ : Agril,
R/o Khawane Pimpri,
Tq. Selu, Dist. Parbhani.

... Respondents

...
Shri S.S. Halkude, advocate for the applicant.
Ms. A.S. Mantri, APP for respondent No.1/ State.
None for respondent No.2, despite service.

...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 04 December 2025

ORAL JUDGMENT :-

1. By this Criminal Application filed under Section 482 of the Code of Criminal Procedure (for short 'the CrPC'), the applicant/ original accused No.3 challenges the order dated 30.05.2012 passed by the learned Judicial Magistrate, First Class,

Selu, below exhibit 1 in R.C.C. No.78/2011 whereby, the process for the offence punishable under Section 420 of the Indian Penal Code came to be issued against the accused Nos.2 and 3. The applicant/ accused No.3 also seeks quashment of the said RCC No.78/2011 pending before the learned JMFC.

2. The said complaint was instituted by respondent No.2/ complainant against accused No.1, which is educational trust, accused No.2 who is Secretary of the said Trust and accused No.3 who was Headmaster of the school run by the said trust. It was alleged that the accused have obtained the land belonging to the complainant under the pretext that they would provide employment to the complainant's son. Since the accused persons did not provide employment to his son, he has filed the complaint. On this complaint, vide the impugned order dated 30.05.2012, the learned JMFC has issued the process for offence punishable under Section 420 of the IPC. Hence, this Criminal Application. Further proceedings in the said complaint are stayed by this Court vide order dated 14.08.2013 and this application was admitted 12.11.2013.

3. At the outset, the learned advocate for the applicant

submits that the applicant has been arrayed as accused in the complaint because at the relevant time, he was headmaster of the school run by accused No.1 trust. A bare perusal of the complaint discloses that general allegations of providing employment have been made against the accused persons and there is no specific role has been stated against the present applicant. Accused No.2, who is secretary of the trust, had already filed Criminal Application No.3924/2012 before this Court wherein, by order dated 23.11.2012, the Hon'ble Division Bench of this Court had quashed the order of issuance of process dated 30.05.2012 against accused No.2. The Hon'ble Division Bench has specifically observed that the offence cannot be attributed to accused No.2. Learned advocate, therefore, submits that the role of the present applicant is also same as that of accused No.2/ secretary. Hence, the present application needs to be allowed.

4. Considering the above submissions of learned advocate for the applicant and perusing with his assistance, the documents brought on record including the order dated 23.11.2012 of the Hon'ble Division Bench of this Court, I am of the considered view that since the proceedings against accused

No.2/ secretary have been quashed by the Hon'ble Division Bench and the present applicant, who was the headmaster, is having less incriminating role as compared to accused No.2 because the applicant is an employee of the Trust and does not possess power to appoint any person, the continuation of the criminal proceedings against the applicant would be abuse of process of law. The Hon'ble Division Bench in the case of accused No.2/ secretary, has observed that the land had all along been shown on record of revenue as the land of the complainant and at no point of time, it had been recorded in the name of the institution and therefore, it was highly improbable that any promise to appoint the complainant's son may have been given by the institution for use of his land.

5. In the light of the above, the instant application needs to be allowed. It is, accordingly, allowed. The impugned order dated 30.05.2012 passed by the learned Judicial Magistrate, First Class, Selu, below exhibit 1 in R.C.C. No.78/2011 as well as the said proceedings in RCC No.78/2011 are quashed and set aside.