



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL APPLICATION NO. 4528 OF 2024

PRASHANT PRAKASH RATNAPARKI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Virat Popat h/f. Mr. H. D.
Deshmukh (through VC)

APP for Respondents/State : Mr. G.A. Kulkarni

Advocate for Respondent No.2 : Mr. Pawar Amol Ajay

...

WITH

CRIMINAL APPLICATION NO. 4852 OF 2024

IN APPLN/4528/2024

SHRI GOVERDHANSINGJI SAIKSHANIK SEVA SAMITI
THROUGH RUDRAPRATAP PUSHPENDRA RAGHUWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. A.R. Syed & Mr. D. A. Sharma h/f.
Mr. Sushil P. Pandit

APP for Respondents/State : Mr. G.A.Kulkarni

...

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 31st JANUARY 2025

PER COURT :-

1. Present application has been filed for quashing the FIR vide
C.R. No.270 of 2024 registered with Nandurbar Taluka Police Station,
District Nandurbar for the offences punishable under Sections 115(2),

310(2), 351(2)(3), 352 of BNS.

2. The said FIR was filed by present respondent No.2. Respondent No.2 appears to have settled the dispute with the applicants and those terms of settlement have been executed on 02.12.2024. They have been got verified through learned Registrar (Judicial) who has filed the report on 09.12.2024. Important point to be noted is that though terms of settlement are stated to be with the applicants what has been produced is the settlement terms of the original complainant i.e. respondent No.2 and it is signed only by respondent No.2. He was the only person who was present before Registrar (Judicial). In the terms of settlement, it is stated that the accused/applicants have returned the money, blank cheque book, blank letter heads, stamps, files etc. material of the organization to him and today he has filed the affidavit giving details as to what is in his possession. He says that he has no grievance against accused persons and therefore, he is ready to withdraw the criminal proceedings.

3. Criminal application No.4852 of 2024 has been filed by the organization where the original informant was working on the day of incident. Applicant/organization by the said application has prayed to add itself as a party respondent No.3 and it is stated that the

organization has objection for quashing of the FIR.

4. Heard learned Advocate for the applicant, learned A.P.P. for respondent/State, learned Advocate for respondent No.2 and the learned Advocate for the applicant/organization.

5. Perusal of the FIR would certainly show that on the day of incident, respondent No.2 was employed with the applicant/organization and the incident had taken place in the premises of the organization. In his FIR, respondent No.2 has stated that cheque book, cash amount of Rs.1,50,000/-, letter heads of the organization etc. were forcibly taken from the cabin of the Chairman. The FIR was lodged against unknown persons. Therefore, it can be certainly said that the offence under Section 310(2) of BNS was in respect of the property allegedly belong to the organization. The question therefore, is whether in respect of said offence respondent No.2 can give no objection for quashing the FIR. When the property is belonging to the organization, it would be the victim as contemplated under Section 2 (y) of BNS Act and when the victim is objecting to the quashment of the FIR in respect of that portion of the offence, which affects it.

6. We do not find this to be a fit case for quashing the FIR to the extent of Section 310(2) of BNS. However, as regards the offences under Sections 115(2), 351(2), 351(3), 352 of BNS is concerned, it would be personal to respondent No.2 and therefore, there is no hurdle for quashing the FIR to that extent. We therefore, allow the Criminal Application partly.

7. The FIR vide C.R. No.270 of 2024 registered with Nandurbar Taluka Police Station, District Nandurbar stands quashed and set aside as against applicants in respect of Sections 115(2), 351(2), 351(3), 352 of BNS Act, 2023.

8. We make it clear that FIR still to proceed in respect of offence under Sections 310(2) of BNS.

9. Pending application stands disposed of.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade