



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4616 OF 2024

Manoj Ramchandra Dev

Applicant

Versus

The State of Maharashtra & ors

Respondents

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Mr. P.R. Katneshwarkar, senior advocate a/w Prathamesh Kundalwadikar, i/b Ms. A.S. Jadhav, Advocate for the applicant.

Mr. N.S. Tekale, A.P.P. for the respondents-State.

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**CORAM : SANDIPKUMAR C. MORE AND
MEHROZ K. PATHAN, JJ.**

Closed for order on : 08.09.2025

Order pronounced on : 15.09.2025

ORDER (Per Sandipkumar C. More, J.) :

1. The applicant has filed this application under Section 482 of the Code of Criminal Procedure seeking quashment of F.I.R. No.0131/2023 filed against him and other 10 accused for the offence punishable under Sections 420, 409 read with Section 34 of the Indian Penal Code.

2. As per the aforesaid F.I.R. it is alleged that in the financial years of 2016-17, 2017-18, 2018-19, respondent No.3 i.e. Block Development Officer, Akkalkuwa Panchayat Samiti, District Nandurbar, on instructions of Chief Executive Officer,

Zilla Parishad, Nandurbar, levelled allegation that the present applicant and other accused committed irregularities in Akkalkuwa Grampanchayat, Akkalkuwa and thereby excessively paid large amount for public development purposes under various schemes implemented by the State Government and committed misappropriation as well as irregularities.

3. Learned senior counsel for the applicant submitted that the applicant was Extension Officer at the relevant time and he was also holding additional charge of Administrator of Akkalkuwa Grampanchayat for the period from 26.07.2016 to 12.12.2016. According to audit report of 2016 to 2019 the allegation against the present applicant is that, while acting as Extension Officer and Administrator of Grampanchayat, Akkalkuwa, he ignored the work of superintendence and committed irregularities in spending various amounts of grants. However, according to learned senior counsel, departmental enquiry was held against the applicant for the aforesaid accusation and in the said departmental enquiry conducted by Chief Executive Officer, Zilla Parishad Nandurbar, it was found that no financial irregularities were found during tenure of the present

applicant, but only warning was given to him with entry of censure notice to that effect in his service book. Thus, he submitted that nothing in respect of misappropriation or cheating has been found against the applicant. He also pointed out Government Resolution dated 4 January 2017 which speaks about registering offence against the person found involved in committing irregularities. However, with corrigendum dated 18 September 2019 to the aforesaid Government Resolution, the Government has removed the words “financial irregularities” from the said Government Resolution. Thus, he submitted that even in the case of committing financial irregularity, no offence needs to be registered now. He further submitted that no ingredients of the offence under Sections 420 and 409 of I.P.C. are available against the present applicant, and therefore, the aforesaid F.I.R. is liable to be quashed and set aside to the extent of this applicant.

4. Learned A.P.P. opposed for quashing the F.I.R. and submitted that the warning has been issued against the present applicant in departmental enquiry vide order dated 28.10.2022. Further, the learned A.P.P. submitted that a fresh departmental enquiry has also been proposed against

the applicant, and therefore, it would not be proper to quash the F.I.R. at this juncture.

5. Heard rival submissions. Also perused the application alongwith documents filed on record.

6. It is a matter of record that Chief Executive Officer, Zilla Parishad, Nandurbar, vide order dated 28.10.2022, has exonerated the present applicant from the allegation of financial irregularities in spending grants received from the Government. However, the punishment of warning alongwith putting stigma, has been ordered. Further, it appears that a fresh disciplinary proceeding was again started in respect of the same charge against the applicant. However, the act of starting fresh disciplinary proceeding is challenged by the applicant before this Court and this Court, vide order dated 15.06.2023 in Writ Petition No. 6285 of 2023, observed that apparently there was no material difference in the article of charges in the earlier enquiry and the subsequent enquiry and that in the earlier enquiry the applicant was also warned and censured. With these observation, this Court has stayed the subsequent departmental enquiry against the applicant in the said writ petition, which is still pending.

7. Be that as it may, it appears from the police papers that the concerned Investigating officer of Akkalkuwa Police Station in his communication dated 30.08.2025 has clearly stated that during the tenure of the applicant there were seven development projects carried out during the period from 05.08.2016 to 14.12.2016 from the grant of 14th Finance Commission of Rs. 13,43,351/-. However, in the audit report nothing was found about any misappropriation of the aforesaid grant. Further, even in the report dated 22.01.2021 of the Enquiry Committee, nothing was found about recoverable amount or misappropriated amount. As such, from the said communication itself as well as from the order dated 28.10.2022 passed by the Chief Executive Officer, Z.P. Nandurbar in respect of initial departmental enquiry of the applicant, it has been revealed that no ingredients of misappropriated or cheating as contemplated in Sections 420 and 409 of IPC, are found against the present applicant. Thus, continuation of prosecution of the applicant under the aforesaid F.I.R. will amount to an abuse of process of law. Hence, the following order is passed.

ORDER

- (i) Criminal Application is allowed.

- (ii) F.I.R. No. 0131 of 2023 dated 13.04.2023 registered with Akkalkuwa Police Station, District Nandurbar under Sections 420, 409 read with Section 34 of the Indian Penal Code, is quashed and set aside only to the extent of the present applicant.
- (iii) The application is accordingly disposed of.

(MEHROZ K. PATHAN)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE