IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1019 CRIMINAL APPLICATION NO. 3904 OF 2023

Pratibha Chandrakant Aandhale And Another
VERSUS
The State Of Maharashtra And Another
...
Mr. Dhananjay A. Mane, Advocate for Applicants.
Mr. B. B. Bhise, APP for Respondent-State.
Mr. Sanjay A. Wakure, Advocate for Respondent No.2.

CORAM : KISHORE C. SANT &
ABASAHEB D. SHINDE, JJ.

DATE : 17th DECEMBER 2025.

PC :-

1. Heard the learned Advocate for the respective parties.

2. By way of this Criminal Application, Applicants have approached this Court seeking quashment of FIR No.10 of 2018 dated 10th January 2018 and Charge-sheet, registered with Anand Nagar Police Station, Osmanabad, alleging offences punishable under Section 420 r/w Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”). Subsequently, Sections 406 and 120-B r/w 34 of IPC and Sections 3 and

4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (hereinafter referred to as “MPID Act”) came to be added.

3. It is the case of the present applicants that the allegation in the FIR is that the informant, namely Uttam Vithhalrao Bhakare, Respondent No.2 herein, had deposited an amount with one Society namely, Shubh Kalyan Multi-State Co-operative Credit Society Ltd. The deposit matured on 19th April 2017. When he went to encash the said deposited amount, it is alleged that the Manager of the Bank avoided to refund the amount and also started avoiding the informant. The informant therefore lodged a complaint against the Bank Manager, namely Mr. Dashrath P. Umbre, Chairman Mr. Diliprao S. Aapet and other Directors. The names of other Directors, however, are not specifically mentioned in the FIR. On the basis of information, now a charge-sheet is filed. In view of the above, the prayer is added to quash the charge-sheet bearing No.09/2019 dated 09th January 2019.

4. This Court issued notices to the Respondents. Vide order dated 19th August 2025, this Court directed the Investigating Officer to take fresh instructions. It was recorded that the preliminary inquiry revealed that the present applicants were not Directors of the Society at the relevant time.

5. Pursuant to this, the Investigating Officer has now filed specific report addressed to the learned APP of this Court. In the report, it is specifically stated that the present applicants were not Directors of the said Society at any point of time. The name of Directors as on 31st March 2013 are given. No names of any of the present applicants are appearing in the said list. Another list is given of the persons who were Directors during the period from 11th November 2016 till 10th November 2021. In the said list also, names of present applicants are not seen. On asking the learned APP, he also submits that the role of the present applicants is not seen in the investigation.

6. It is the case of the applicants that, at no point of time, they are

Director of the Society. This Court thus finds that the witness has stated the names only Bank Manager, Chairman and other Directors. Without specifying the names of any present applicants, they are shown as "other Directors," without attributing any specific role against the present applicants.

7. This Court thus finds that the continuation of proceedings against the present applicants would be clearly an abuse of process of law. Considering above, this Court is inclined to allow the application in terms of prayer clause (B).

8. With this, Criminal Application stands disposed off.

[ABASAHEB D. SHINDE, J.] **[KISHORE C. SANT, J.]**

D.A.Ethape