



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 41/2025

(Ashok Ganeshrao Solanke Vs. State of Maharashtra & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Z.Z. Haq, Advocate for applicant.
Mr. A. Chutke, APP for non-applicant No.1.

CORAM: NITIN B. SURYAWANSHI AND
M. W. CHANDWANI, JJ.

DATED : 17/01/2025

Heard.

2. The present application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of First Information Report ('FIR') bearing Crime No. 207/2024 registered with City Kotwali Police Station, Akola, Tq. and Dist. Akola for offence punishable under Sections 409, 420 of the Indian Penal Code, 1860.

3. Heard learned Advocate for applicant, learned APP for the State and perused the documents placed on record. Learned Advocate for applicant submits that, applicant is a clerk who is prosecuted for committing crime of misappropriation of funds, in-fact, he was not in a position to misappropriate of funds as he was not dealing with the funds as a part of his duty.

4. Next submission is that there is delay of two years in lodging FIR and therefore, the FIR is liable to be quashed.

5. Learned APP on the other hand submits that allegations in FIR clearly make out a case punishable under Sections 409 and 420 of the Indian Penal Code.

6. It is clear that, allegations made in the FIR against applicant prima facie make out a case for commission of offences alleged against him. Merely because there is a delay in lodging FIR, that cannot be a ground for quashing of the FIR. Since Prima facie case is made out from the allegations made in the FIR against the applicant, we are not inclined to allow the application. The application being devoid of merits, stands rejected.

(M.W. CHANDWANI, J.) (NITIN B. SURYAWANSHI, J.)