



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) No.626 OF 2024

(Mr. Nilesh s/o. Suresh hinge Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

CRIMINAL APPLICATION (APL) No.375 OF 2023

(Mahesh Haridas Gadewar Vs. The State of Maharashtra, through PSO, P.S. Sadar, Nagpur and another)

CRIMINAL APPLICATION (APL) No.624 OF 2024

(Mr. Mahendra s/o. Pandurang Chinchghare Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

CRIMINAL APPLICATION (APL) No.625 OF 2024

(Mr. Vikesh s/o. Dharamraj Hajare Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

CRIMINAL APPLICATION (APL) No.628 OF 2024

(Mr. Sanjay s/o. Marotrao Badodekar Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

CRIMINAL APPLICATION (APL) No.734 OF 2024

(Ramesh Karan Puri Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

CRIMINAL APPLICATION (APL) No.735 OF 2024

(Sandeep Arunrao Awachat Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

CRIMINAL APPLICATION (APL) No.769 OF 2024

(Omprakash s/o. Mahadeorao Barde Vs. The State of Maharashtra, through PSO, P.S. Sadar, Tq. and Distt. Nagpur and another)

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

Court's or Judge's orders.

Ms. Ayushi Dangre h/f. Mr. H. Dangre, Advocate for Applicant in APL No.626/24, 624/24,625/24,628/24.

Mr. Sukrut S. Sohoni h/f. Mr. Prakash S. Jaiswal, Advocate for applicant in APL No.375/23,734/24,735/24,769/24.

Ms. Mayuri Deshmukh, APP for Non-applicant/State.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 2nd MAY, 2025.

1. In all these applications filed under Section 482 of the Criminal Procedure Code a challenge is raised to the F.I.R.

No.321/2022 dated 1.8.2022, registered with Police Station Sadar, Nagpur for the offence punishable under Section 420, 467, 468, 471 and 34 of the Indian Penal Code.

2. This Court on 22nd April, 2024 issued notices in the present matters and in the meantime directed not to file charge-sheet without obtaining leave of this Court.

3. On service of notice on the complainant he filed his reply. Para 4 of the reply is relevant which reads thus :

“4. That during the course of investigation, the Investigating Agency has conducted spot panchanama. The Investigating Agency has seized the original files and all the record pertaining to the investigation from the office of Zilla Parishad, Nagpur. Perusal of the entire record revealed that there is no Demand Draft No.5255730 dated 27.5.2020 on record. However, in the Index column of the said file, there is a mention about DD bearing DD bearing No.5255730 dated 27.5.2020 for an amount of Rs.12,48,400/-. This clearly indicates that the present applicant has stolen the said forged DD from the custody of the Zilla Parishad. Further it has also come on record that in the case of co-accused there is a misappropriation of security deposit of Rs.8,75,000/- which was withdrawn by Ankush Kakde prior to due date as per tender contract agreement and the same FDR was found to be utilized by another accused person Omprakash Barde. Thus, it can be seen that all the successful bidders/Accused persons have hatched a conspiracy and have submitted false and fabricated DD to Zilla Parishad, Nagpur after work orders have been issued to them.”

4. Thus, from the above referred reply filed by the informant it is evident that during the internal inquiry conducted by the Chief Executive Officer nothing came out against the applicant and they have been exonerated.

5. Furthermore, contrary to the statement of the informant that nothing found in the internal inquiry made by Zilla Parishad nothing incriminating is pointed out to show prima facie involvement of the applicants in the alleged offence.

6. In the circumstances, we are of the considered view that there is no material against the applicants to prima facie show their complicity in the alleged offence and no evidence was found in the inquiry of the Zilla Parishad of the nature of preponderance of probability. Whereas, strict proof is required in the criminal matter i.e. of higher standard. Thus, no purpose would be served even if the trial is conducted. Accordingly, the applications are allowed.

7. F.I.R. No.321/2022 dated 1.8.2022, registered with Police Station Sadar, Nagpur for the offence punishable under Section 420, 467, 468, 471 and 34 of the Indian Penal Code is hereby quashed and set aside.

8. The applications are disposed of.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)