

Bhaskar and Another Vs. State of Maharashtra and Another

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Court : Mumbai Nagpur

Decided On : Apr-03-2013

Judge : R.C. Chavan & Prasanna B. Varale

Appeal No. : Criminal Application (APL) No.555 of 2012

Appellant : Bhaskar and Another

Respondent : State of Maharashtra and Another

Judgement :

Oral Judgment: (R.C. Chavan, J.)

Rule. Rule made returnable forthwith. Heard the learned Counsel for the parties finally by consent.

2. By this application, the applicants/Directors of Shri Gajanan Urban Cooperative Credit Society seek that F.I.R. registered with Khamgaon City Police Station on 17.6.2011 bearing Crime No.86/11 for offence punishable under Sections 406, 408, 420 read with Section 34 of Indian Penal Code be quashed. The offence came to be registered against the Directors and members of the staff of the society on the allegation that huge amounts were disbursed to the debtors without taking adequate security. It was alleged that the Directors and employees of the Society did not take steps to recover the amounts due. It seems that the District Deputy Registrar of the Cooperative Society had directed an enquiry under Section 88 of the Maharashtra Cooperative Societies Act, 1960 and had appointed

Advocate Mr. Vijay Pawar as an Enquiry Officer. From the reply of respondent no.2 Auditor on whose report the offence was registered, it is clear that during the enquiry by Mr. Vijay Pawar, he did not find any incriminating material against the present applicants, i.e. Bhaskar Bhosle and Bhaskar Ghorade. The Enquiry Officer also seems to have not found any incriminating material against Sapna Jagannath Kalone, an employee who had similarly filed Criminal Application (APL) No.613/12 for quashing of the said FIR. This application was allowed by judgment dated 21.3.2013 by Division Bench of this Court. One of us (P.B. Varale, J.) was a party to the said judgment. Since the applicants are similarly placed, no different view need be taken about them.

3. In view of this, we find that this is a fit case for exercise of inherent powers of this Court under Section 482 of the Criminal Procedure Code and, therefore, quash the proceedings commenced against the applicants by FIR No.86/11 registered with Khamgaon City Police Station.

4. With the above observations, the Criminal Application stands disposed of. Rule is accordingly made absolute in the above terms. No order as to costs.

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