

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

**ON THE 14<sup>th</sup> OF JULY, 2022**

**WRIT PETITION No. 10581 of 2022**

**Between:-**

1. **MAHESH CHAND BAJPAYEE S/O LATE SHRI CHANDRIKAPRASAD BAJPAYEE, AGED ABOUT 80 YEARS, OCCUPATION: RETIRED POLICE MAIN, R/O KRISHNA NGGAR GOLE KA MANDIR GWALIOR (MADHYA PRADESH)**
2. **SMT. SHANTI BAJPAI W/O SHRI MAHESH CHANDRA BAJPAI, AGED ABOUT 74 YEARS, OCCUPATION: HOUSEWIFE, R/O KRISHNA NAGAR GOLE KA MANDIR GWALIOR (MADHYA PRADESH)**
3. **UMESH CHANDRA BAJPAI S/O SHRI MAHESH CHANDRA BAJPAI, AGED ABOUT 34 YEARS, OCCUPATION-PRIVATE JOB, R/O KRISHNA NAGAR GOLE KA MANDIR GWALIOR (MADHYA PRADESH)**
4. **SATISH CHANDRA BAJPAI S/O SHRI MAHESH CHANDRA BAJPAI, AGED ABOUT 42 YEARS, OCCUPATION- JOB, R/O KRISHNA NAGAR GOLE KA MANDIR, GWALIOR (MADHYA PRADESH)**
5. **MANOJ DIXIT W/O SHRI PRADEEP KUMAR DIXIT, AGED ABOUT 30 YEARS, OCCUPATION- JOB, R/O KRISHNA NAGAR GOLE KA MANDIR, GWALIOR (MADHYA PRADESH)**

**.....PETITIONERS**

***(BY SHRI V.S.CHAUHAN - ADVOCATE)***

**AND**

1. **DIRECTOR SAHARA CREDIT COOPERATIVE SOCIETY LIMITED OFFICE SAHARA INDIA BHAWAN KAPOORTHALA COMPLEX ALIGANJ LACKNOW (UTTAR PRADESH) PIN- 226024**
2. **VYABASTHAPAK SAHARA CREDIT COOPERATIVE SOCIETY LIMITED OFFICE**

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**BRANCH OFFICE S.S. KACHODI WALE KE  
SAMNE NAYA BAZAR KAMPOO LASHKAR  
GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

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*This petition coming on for hearing this day, the court passed the following:*

**ORDER**

This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs:-

यहकि, प्रार्थी/याचिकाकर्ता की याचिका को देखते हुये यही अनुतोष दिया जावे कि प्रार्थी/याचिकाकर्तागणों की याचिका को देखते हुये यही अनुतोष दिया जावे कि याचिकाकर्तागणों का सहारा इण्डिया में जो रकम जमा है वह शीघ्र मय ब्याज के दिलाई जावे।

It is submitted by the counsel for the petitioners that the petitioners have invested a total amount approximately Rs.40,00,000/- but the same has not been returned back. The conduct of the respondents also amounts to a criminal act punishable under Section 420 of IPC and accordingly, it is prayed that the respondents may be directed to return the amount with interest.

During the course of arguments, it was also accepted that certain proceedings are pending before the Supreme Court with regard to Sahara Credit Cooperative Society Limited.

Heard the learned counsel for the petitioners.

From the petition, it is not clear that under which provision of law, the respondents were registered i.e. whether under the Multi State Cooperative Societies Act, 2002 or under any State Cooperative Society Act. However, in case of a dispute, the petitioners can always approach the competent authority as per provisions of the said Act.

However, the counsel for the petitioners has also submitted that similar

litigation is also pending before the Supreme Court.

Under these circumstances, this Court is of the considered opinion that no useful purpose would be served by entertaining this petition.

Accordingly, the petitioners are granted liberty either to approach the Supreme Court in pending matter or to raise a dispute under the relevant Cooperative Societies Act.

It is next contended by the counsel for the petitioners that the act of embezzlement also amounts to a criminal offence under Section 420 of IPC.

It is well established principle of law that this Court under Article 226 of the Constitution of India should not direct for registration of offence and if, the complainant is aggrieved by non registration of offence, then he has remedy of filing a criminal complaint.

Even otherwise in the present case, neither relief has been sought for registration of FIR against the respondents nor there is any document to show that they had ever approached the police authorities for the same.

Accordingly, the prayer for registration of FIR against the respondents cannot be entertained.

Under these circumstances and with aforesaid observation, the petition is finally **disposed of**.

(G.S. AHLUWALIA)  
JUDGE

PjS/-