

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 327 OF 2015

Shardal Khan s/o Yasim Khan,
Age: 41 years, Occ: Labourer,
R/o. Sathe Nagar, Jintur,
Tq. Jintur, Dist. Parbhani.

...Petitioner

versus

1. The State of Maharashtra
2. Santosh s/o Kishanrao Rajurkar,
Age: 45 years, Occ: Service as
Education Extension Officer,
Panchayat Samiti, Jintur,
R/o. Jintur, Taluka Jintur,
Dist. Parbhani.
3. Diwakar s/o Bhagwan Joshi,
Age: 42 years, Occ: Service,
R/o. Jintur, Taluka Jintur,
Dist. Parbhani.
4. Vishnu s/o Dagduba Pede,
Age: 41 years, Occ: Service as
Education Extension Officer,
Panchayat Samiti, Jintur,
R/o. Jintur, Taluka Jintur,
Dist. Parbhani.

...Respondents

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Mr. R.S. Deshmukh, Advocate for petitioner
Mr. A.R. Kale, A.P.P. for respondent
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CORAM : N.W. SAMBRE, J.

DATE : 28th APRIL, 2016

ORAL ORDER :

Present writ petition is by the complainant in Regular

Criminal Case No. 37 of 2014, initiated against the present respondents, who are public servants. In the said criminal case, learned Judicial Magistrate, First Class, Jintur, District Parbhani, has by an order dated 20/06/2014 ordered issuance of process against the accused persons. In the revision being Criminal Revision No. 69 of 2014, learned revisional Court set aside the order of issuance of process passed by learned Magistrate on 20/06/2014. As such, present criminal writ petition.

2. Learned Counsel for the petitioner submits that, upon satisfaction of the ingredients of Sections 420, 467, 468 read with Section 34 of the Indian Penal Code, learned Magistrate has issued process against the accused persons. He would then urge that the nature of allegations as could be noticed from the complaint is that the daughter of present petitioner was studying in the school which was administered by accused Nos. 1 and 2. It is then claimed that accused Nos. 3 to 6 are public servants. The document wherein thumb impression of the petitioner by mentioning incorrect fact was prepared and forwarded to the Government for orders. He would then submit that the daughter of present petitioner was taking education in the said school, which was run and managed by accused Nos. 1 and 2 and the school was abruptly closed down by them. As such, offence in question.

3. *Prima facie*, it is noticed that that petitioner has not brought on record as to how the respondents herein are responsible for commission of offence in question and their individual involvement in the crime. Furthermore, an issue in between the Government and respondents-accused is sought to be used by the petitioner so as to twist the arms of the respondents. The very object of which the complaint is moved by the petitioner could be read in between the lines from the above conduct of the petitioner. Apart from above, there is hardly any legal right in the petitioner to claim the prosecution of studies of his daughter in the school managed by the respondents, as it is not a statutory right of the petitioner.

4. In this background, the view as is expressed by learned Sessions Judge in revisional jurisdiction in quashing the order of issuance of process appears to be just and proper. As such, criminal writ petition fails and stands dismissed.

[N.W. SAMBRE, J.]