

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.:4110 OF 2015

Asgari Begum D/o Mohammad Ali
VERSUS
The State of Maharashtra and another

Mr. Rajendra S. Deshmukh, Advocate for the Applicant.
Mr. S. B. Yawalkar, A.P.P. for Respondent No.1.
Mr. Y. P. Deshmukh, Advocate h/f Mr. Pradeep Deshmukh, Advocate for
Respondent No.2.

WITH

CRIMINAL APPLICATION NO.:3933 OF 2015

Reshma W/o Ashfaq Qureshi
VERSUS
The State of Maharashtra and another

Mr. Devdatt P. Palodkar, Advocate for the Applicant.
Mr. S. B. Yawalkar, A.P.P. for Respondent No.1.
Mr. Y. P. Deshmukh, Advocate h/f Mr. Pradeep Deshmukh, Advocate for
Respondent No.2.

CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 28th March, 2016.

P.C.:

. Heard.

2 Perused the FIR.

3 The Investigating Officer found substance in the complaint and therefore, these applications seeking quashing of FIR are opposed by the learned APP also. Having regard to the facts of the case, we hold that the complaint was not tenable. Such complaint ought to have been made only before the Caste Certificate Scrutiny Committee, Aurangabad, before whom a forged document was allegedly produced by the Petitioner / Reshma Qureshi.

4 In view of the provisions of Section 11(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, such complaint is required to be made to the Committee alone. No Court can take cognizance of such complaint if not made to such Committee. Despite of this clear dictum of the law, the Complainant as well as the learned APP oppose the application. We are convinced that the complaint is not tenable and the investigation must stop. Hence the both the applications should succeed.

5 Criminal Application No.4110 of 2015 is allowed in terms of

prayer clause (C) and Criminal Application No.3933 of 2015 is allowed in terms of prayer clause (B).

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

ndm