

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELATE JURISDICTION**

Smt. Geeta Bhaskar Shejwal ... Petitioner  
vs.  
State of Maharashtra & Ors. ... Respondents

**CORAM : A.S.OKA, &  
A.K.MENON, JJ.**

**DATE : 16TH SEPTEMBER, 2016.**

Rule. The learned APP waives service for the respondents.

2. The grievance in this petition under Article 226 of the Constitution of India is that for the same alleged offence, two First Information Reports have been registered at two different police stations. The first one is CR No.59 of 2016 which has been registered with Anand Nagar Police Station in District Usmanabad on 12<sup>th</sup> June, 2016. The second First Information Report is CR No.238 of 2016 registered with Barshi City Police Station on 17<sup>th</sup> June, 2016. The

contention is that two separate First Information Reports for the same offence cannot be registered.

3. The First Information Report CR No.59 of 2016 was registered at Anand Nagar Police station on the basis of a complaint filed by Motor Vehicle Inspector attached to Sub-Regional Transport Office at Usmanabad. The First Information Report was registered on the basis of a written complaint of the said Motor Vehicle Inspector. The allegation is that the fitness certificate to 830 vehicles was improperly granted by the petitioner resulting into misappropriation of sum of Rs.21,48,100/-. The allegation in the said complaint was against the petitioner who was a Motor Vehicle Inspector. The second First Information Report is also registered by a Motor Vehicles Inspector who was working with Sub-Regional Transport Office at Solapaur. In the statement on the basis of which First Information Report was registered, similar allegation was made against the

petitioner of improperly granting fitness certificate to several vehicles. In CR No.59 of 2016, Sections 409, 420, 465, 468, 471, 474, 477A and 120(B) read with Section 109 and 201 of the Indian Penal Code have been applied. In the earlier First Information Report registered at Barshi City Police Station, the same Sections have been applied.

4. In both the First Information Reports, the allegations are only against the present petitioner of improperly granting fitness certificates while working in two offices of RTO.

5. In our view, the second First Information Report at Barshi City Police Station could not have been separately registered. The learned APP pointed out that said First Information Report is as regards different vehicles in respect of which fitness certificates were issued by the petitioner in District Solapur. That is no ground for registration of a separate

First Information Report. Investigation of the alleged offence committed by the petitioner in District Solapur ought to have been carried out while investigating into the CR No.59 of 2016 at Anand Nagar Police Station.

6. Accordingly, we dispose of the petition by passing the following order:-

i) We direct that the investigation based on the allegations made in CR No.238 of 2016 registered at Barshi Police Station, District Solapur shall be carried out in CR No.59 of 2016 registered with Anand Nagar Police Station in Usmanabad District;

ii) Only on the ground that second First Information Report could not have been registered that we quash CR No.238 of 2016 registered with Barshi Police Station, Solapur and

iii) We make it clear that no adjudication has made on the merits of the controversy.

(A.K.MENON, J.)

(A.S.OKA, J.)