

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPCR No. 209 of 2016**

- Smt. Sarojani Banjare W/o Jeevan Lal Banjare, Aged About 38 Years  
Occupation Politician R/o Village Barbaspur, P.S. Ghumka, Tahsil And Distirct  
Rajnandgaon Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Affairs, Police  
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. The Superintendent Of Police, Rajnandgaon, District Rajnandgaon  
Chhattisgarh
3. The Station House Officer, P.S. Kotwali, District Rajnandgaon, Chhattisgarh
4. The Dr. Thaneshwar Patila S/o Shri Dhanesh Patila, Aged About 30 Years  
Occupation Dentist, R/o Village Paneka, P.S. Basantpur, Tahsil And Distirct  
Rajnandgaon Chhattisgarh

**---- Respondents**

|                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| For Petitioner                     | : | Shri Rajesh Kesharwani, Advocate.    |
| For Respondents No.1 to<br>3/State | : | Shri Anil S. Pandey, Govt. Advocate. |
| For Respondent No.4                |   | Shri S.C. Verma, Advocate.           |

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**24/08/2017**

Heard.

1. Petition has been brought under Article 226 of Constitution of India with a  
prayer to quash the complaint case filed against the petitioner by  
respondent No.4.
2. It is submitted by counsel for petitioner that the petitioner and the  
respondent No.4 were candidates in the assembly election from  
Dongargaon constituency, in which petitioner was declared as successful  
and elected candidate. Respondent No.4 filed an election petition against  
the petitioner and during the pendency of that petition he also filed a

complaint case in the Court of Judicial Magistrate First Class, Rajnandgaon. It is alleged by respondent No.4 that petitioner has falsely represented, that she belongs to Scheduled Caste category of State of Chhattisgarh and on the basis of this false information had obtained caste certificates from the offices concerned. It is further submitted that Election Petition No.06/2014 brought by respondent No.4 against the petitioner and others has been decided vide order dated 18.5.2017 in which it has been categorically held that petitioner is a member of Scheduled Caste of the State of Chhattisgarh and the election petition has been dismissed. It is submitted that after the findings of the co-ordinate Bench of this Court regarding the caste status of petitioner, the complaint filed before the Court of Judicial Magistrate First Class, Rajnandgaon is not maintainable in any respect and therefore it is prayed that the complaint pending against the petitioner be quashed.

3. Learned counsel for the respondent No.4 has opposed the grounds raised in the petition and the submissions made. It is submitted that petitioner has obtained various caste certificates on the basis of false information given to the concerned authorities, the petitioner is resident of Nagpur (Maharashtra), hence, she cannot claim herself to be a member of Scheduled Caste which is specifically meant for Chhattisgarh region, hence, there is no substance in the present petition.
4. Learned counsel for the State/respondent No. 1 to 3 submits that in view of the judgment passed by the co-ordinate Bench of this Court in the election petition, no further inquiry can be made in this respect. Hence, the petition may be disposed of at this stage.
5. Heard the parties and perused the material on record.
6. Taking into consideration the submissions made by the parties and on perusal of the documents on record including the judgment of the co-ordinate Bench passed in the Election Petition No. 06/2014 dated 18.5.2017, it is apparently clear that the co-ordinate Bench has elaborately examined the issue of caste status of the petitioner and recorded a categorical finding that the petitioner belongs to 'Satnami community' which comes within Scheduled Caste category in the State of Chhattisgarh and accordingly dismissed the Election Petition. In these

circumstances and further considering the provisions of the Chhattisgarh Scheduled Caste and Scheduled Tribes and other backward Classes (Regulation of Social Status Certification) Act, 2013, according to which, if after inquiry it has been found that the social status certificate was obtained wrongfully and fraudulently, the High Power Certification Scrutiny Committee, in exercise of its power under Section 8 of the Act of 2013, can cancel and confiscate such certificate and the person obtaining such false certificate shall be liable to be punished with rigorous imprisonment as prescribed under Section 10 of the Act of 2013.

7. Thus, considering the specific finding of this Court with respect to the social status of the petitioner and the specific provisions in the Act of 2013 dealing with the situation where caste certificates are obtained wrongfully or fraudulently, this Court is of the view that the complaint before the criminal Court for registration of offence under Sections 196, 197, 198, 199, 200, 415, 418, 420, 463, 464 & 468 of IPC is clearly not maintainable being abuse of process of law.
8. Resultantly, the petition is allowed and unregistered complaint case filed by the respondent No.3 herein against the petitioner in the Court of Judicial Magistrate First Class, Rajnandgaon is hereby quashed.
9. Accordingly, petition stands disposed of at the motion stage.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
JUDGE