

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NOS. 232/16 & 468 OF 2016.

(Shri Subhash s/o Dhondu Patil .vs. The State of Maharashtra & another)

(Shri Suresh s/o Vitthal Bhavar & others .vs. The State of Maharashtra & another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. K.P. Sadavarte, Advocate for applicant,
Mr. P.N. Varma, Advocate for applicant (APL 468/16),
Mr. M.J. Khan, A.P.P. for respondent no.1.
Mr. V.H. Kedar, Advocate for respondent no.2.

CORAM : B.R. GAVAI & KUM. INDIRA JAIN, JJ.

DATED : FEBRUARY 15, 2017.

The petitioners in these two petitions have approached this Court for quashing and setting aside the First Information Report. The applicants in Criminal Application No. 468/16 are Drivers working in the M.S.R.R.C. whereas the applicant in Criminal Application No. 232/16 was at the relevant time working as a Divisional Personnel Officer in the Buldana Division.

The perusal of the First Information Report would reveal that the allegations are that the applicant in Criminal Application No. 232/16 in collusion with various doctors arranged to get false certificates in favour of various drivers including applicants in Criminal Application No. 468/16 certifying that they are suffering from colour blindness and as such, are not fit to work as Drivers but are fit to work as Security Guards.

By now, the law on invoking jurisdiction under Section

482 of Criminal Procedure Code while quashing an FIR is very well crystallized. Reliance in this respect could be placed on the judgment of Apex Court in the case of **State of Haryana & others .vs. Ch. Bhajan Lal and others reported in AIR 1992 S.C. 604.** It is a settled law that the First Information Report could be quashed only when either it is found that the allegations in the FIR taken on its face value do not constitute an offence for which the FIR is registered or FIR is registered with some oblique or malafide purpose.

Perusal of the First Information Report would reveal that the ingredients for constituting the offence are made out. In that view of the matter, we are not inclined to entertain the Criminal Applications. The same are rejected.

Judge

Judge

J.