

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 970 of 2018

Smt. Devki Navrang W/o Shri Yuvraj Navrang Aged About 34 Years R/o Villagesinghanpur, Tahsil And District Bemetara Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Department of Home, Mantralaya, Naya Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh
3. Station House Officer Police Station Saja, District Bemetara Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Saja, District Bemetara Chhattisgarh.
5. Shri Tikamchand Verma Samaj Shiksha Sangathak, Janpad Panchayat Saja, District Bemetara Chhattisgarh. --- **Respondents**

16.05.2018	Mr.Vinay Pandey, counsel for the appellant. Mr. Sangharsh Pandey, P.L., for the State. Heard. By this petition filed u/s 482 of the Code of Criminal Procedure, the petitioner has prayed to to quash the FIR dated 06.4.2018. Learned counsel for the petitioner submits that the petitioner was appointed as Shiksha Karmi on 29.06.2017 and subsequently she was removed from service on 11.01.2017 on the ground that she was appointed on the basis of fake and forged document. It is submitted that thereafter on 17.01.2018 the petitioner was reinstated by the Committee which was basically empowered to appoint the Shiksha Karmis. Learned counsel submits that since the order of the removal of petitioner was cancelled by the CEO of the concerned Janpad Panchayat, as such the FIR lodged by respondent No.5 Tikam Chand Verma, Incharge of Samaj Shiksha Sanghatac cannot be gone into. Perused the FIR. The FIR purports that on 29.06.2007, as many as 126 Shiksha Karmis Class III were appointed. Subsequently pursuant to the order of Collector, the appointments so made was subject of scrutiny and during the	

scrutiny it was found that certain fake and forged appointments were made and the petitioner was one of the beneficiary. The argument which is advanced by the petitioner that the employer has committed irregularities cannot help to the petitioner to stop the investigation of the FIR. If the appointment was obtained on the basis of forged documents, then it would be a cognizable offence for which the locus of employer is not necessary. The removal of the employee and its reinstatement is completely covered within the domain of service jurisprudence for which the application of criminal law cannot be arrested and the fact of reinstatement cannot be taken as a ground for insulation of criminal prosecution. It is for the State to investigate the FIR and find out whether there was fraud or irregularities committed in the appointments. At this stage it would be too premature to liberalise the investigation by holding that the reinstatement has been made, therefore, no offence is made out.

Accordingly the petition is disposed of in terms of the above observations.

**Sd/-
GOUTAM BHADURI
JUDGE**

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