

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.234 of 2007

* Abhijeet s/o Chandrashekhar Poopal,
Age 31 years,
Occupation: Service,
R/o 2251, Adate Bazar, Ahmednagar,
Taluka & District Ahmednagar. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through Police Inspector,
Topkhana Police Station,
Ahmednagar.
- 2) Gautam s/o Vijay Bora,
Age 31 years,
Occupation: Journalist
R/o 1223/25, Juna Dane Dabra,
Ahmednagar,
Taluka & District Ahmednagar. .. **Respondents.**

Shri. N.B. Narwade, Advocate, for petitioner.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent No.1.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 24 JULY 2018

JUDGMENT: (Per T.V. Nalawade, J.)

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for relief of quashing F.I.R.No.I-10/2007 registered in Topkhana Police Station Ahmednagar for offences punishable under sections 420, 468, 471 etc. of Indian Penal Code. Both the sides are heard.

2) F.I.R. is given by one Gautam and he has made allegation against present applicant that, even when the applicant does not belong to scheduled tribe by name Hindu Munnerwarlu, he created false certificate of caste and by using the caste he appeared in SET examination in January 2006 and he got service in New Law College, Ahmednagar. Allegation is also made that the present applicant used that caste certificate while studying in the Law College and he obtained scholarship of Rs.11,770/- on the basis false representation.

3) The copy of the certificate which was used by the applicant is produced on the record. The certificate is

shown to be issued in March 1999. There is report of the Sub Divisional Officer Ahmednagar to the effect that such caste certificate was not issued by the concerned office. Copy of the register was supplied by the office of the Sub Divisional Officer to police for verification. Thus, prima facie, no certificate was issued by the competent authority but the present applicant had used that certificate. There is copy of appointment letter showing that the applicant was given appointment for academic year 2006-2007 on reserved post on the basis of such certificate by one educational institution from Ahmednagar.

4) Learned counsel for the applicant submitted that the respondent-first informant has no locus standi and no loss is caused to anybody. He submitted that complaint ought to have been made by the officer appointed by the Caste Certificate Scrutiny Committee as provided in section 11 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act 2000 and as no such

procedure is followed, the F.I.R. needs to be quashed. Both these submissions are not at all acceptable. Cognizable offence is committed by present applicant and section 11 of the aforesaid special enactment will not be used for imposition of penalty as provided in section 11 of the said Act. The other school record of the applicant shows that he belongs to Hindu Telugu caste and not the aforesaid scheduled tribe. Thus, it cannot be said that false allegations are made against the applicant. The F.I.R. cannot be quashed due to aforesaid circumstances. In the result, the proceeding is dismissed. Rule is discharged. Interim relief is vacated.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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