

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 978 OF 2014

1. Yunus S/o. Bashir Patel,
Age: 48 years, Occu: Service- Head Master,
R/o Boys Urdu High School Aksa Nagar,
Vadjai Road, Dhule.
2. Munshi Vasm Ahemad Burhanuddin,
Age: 40 Years, Occu: Service,
3. Jahid Husain Abdul Samad,
Age: 42 Years, Occu: Service,
4. Akil Ahemad Jamal Yusuf
Age: 45 Years, Occu: Service,
5. Rehemani Irfana Parveen Mohemmed Shafi,
Age: 50 Years, Occu: Service,
6. Naim Akhtal Moharmali
Age: 35 Years, Occu: Service,
7. Mohemmed Khalid Abdul Shakur,
Age: 45 Years, Occu: Service,
Applicant No.2 to 7 R/o. Mohamadiya Boys
Urdu High School and Junior College of
Science Sub-Teacher Aksa Nagar,
Vadjai Road, Dhule.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through P.S.I. Azadnagar Police Station,
Dhule, Dist. Dhule.
2. Iqbal Ahmed Abdul Razzak Julaha,
Age: 52 years, Occu. Labour & Social Work,

R/o. In front of Kasabwada Masjid,
Besides Municipal Corporation Hospital,
Galli No.7, Dhule.

... **RESPONDENTS**

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Mr. S. S. Jadhavar, Advocate h/f Mr. P. B. Patil, Advocate for Applicants.

Mr. S. J. Salgare, APP for Respondent No.1 / State.

Mr. N. B. Suryawanshi, Advocate for Respondent No.2.

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

DATE : 23rd July, 2018.

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

. The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.32 of 2014, registered with Azadnagar Police Station, Dhule, District Dhule, for the offences punishable under Sections 409, 420, 468 and 471 read with 34 of the Indian Penal Code.

2 Both the sides are heard.

3 Private complaint was referred for investigation by Judicial Magistrate First Class, Dhule and it was filed by Respondent No.1, Iqbal. He has made allegations that Applicant No.1 Yunus, who is

Accused No.1 in private complaint, was working as Headmaster of educational institution, Young Boys Education and Industrial Circle, Dhule and in that capacity, he created false record with the help of Accused Nos.2 to 5 and Accused Nos.6 to 11 were shown to be appointed as teaching and non-teaching staff in the school. Allegations are made that no information was given to the President of the institution, management and by joining hands with the officers of the education department, false record of appointment was created.

4 The nature of allegations shows that, grievance if any ought to have been made by the Management. Record of investigation shows that the Investigating Officer noticed that proper procedure was followed for making appointment of both teaching and non-teaching staff in the school where Yunus was working as Headmaster. Thus, papers of investigation show that the Headmaster and the officers of Education Department did not commit any offence and they discharged their routine duty. Thus, it will be abuse of process of law if the charge-sheet is filed and the Applicants are made to face the trial for the aforesaid offences. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted to the extent of present Applicants only in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[K. L. WADANE, J.]**[T. V. NALAWADE, J.]***ndm*