

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2928 OF 2008

Vinayak s/o. Eknath Vaidya,
Age 56 years, Occu. Reporter,
R/o. Naga Road, Beed, Dist. Beed.**Applicant.**

Versus

The State of Maharashtra**Respondent.**

Mr. M.G. Kasturkar h/f. Mrs. M.A. Kulkarni, Advocate for applicant.
Mr. R.V. Dasalkar, APP for respondent/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : JULY 17, 2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 256/2007 registered with Beed City Police Station. Both the sides are heard.

2) The crime is registered on the basis of report given by Nayab Tahsildar of Tahsil Office, Beed. The present applicant had filed application for getting certificate that he was living below poverty line, he was from economically backward section. After making inquiry, certificate to that effect was issued to him. By using this certificate, he contested one election and he got elected from

that category.

3) On 22.2.2006 some persons made complaint that by making false representation and by supplying false information, aforesaid certificate was obtained by the present applicant. After receipt of that complaint, some internal inquiry was made. It was noticed that monthly income of applicant was more than Rs.4800/-. Report was submitted for cancellation of certificate. Certificate was cancelled and then decision was taken to give F.I.R. The F.I.R. came to be given on 6.10.2007.

4) The learned counsel for applicant submitted that Writ Petition No. 6497/2006 was filed by the present applicant to challenge the decision of the authority by which the certificate was cancelled. By order dated 13.8.2008 the Division Bench of this Court set aside this order and directed the authority to make inquiry again and take decision only after giving an opportunity of having say to the present applicant.

5) The aforesaid circumstances show that the decision taken to cancel the certificate is set aside by this Court. The submissions made show that no fresh inquiry was made after the decision of the Writ Petition. The certificate was used in the year

2006 and the decision was given by this Court in the year 2008 of aforesaid nature. The dispute was mainly due to the election which was contested by the present applicant and that period is also over. When authority has not made inquiry again and decision is not taken that the certificate was obtained by supplying false information, further steps on the basis of F.I.R. given by the authority cannot be allowed. In the result, the application is allowed. Relief is granted to the applicant in terms of prayer clause "C". Rule is made absolute in aforesaid terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/