

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

CRIMINAL WRIT PETITION NO. 418 OF 2019.

Vijay s/o Vitthalrao Shetkar, Age 33
years, Occ. Social Worker,
R/o. at post Sawargaon (Nasrat)
Tq. Loha, Dist. Nanded.

... **Applicant.**

VERSUS.

1. The State of Maharashtra.
Through Superintendent of Police
Nanded, Tq. & Dist. Nanded.
2. The Deputy Superintendent of Police
Itwara Police Station, Nanded, Tq.
& Dist. Nanded.
3. Assistant Police Inspector of Sonkhed
Police Station, Sonkhed, Tq. Loha
District Nanded.
4. Ankita Kailash Deshmukh, Age 32
years, Occ. Household, R/o. Near
Bus Stand, Sonkhed, Tq. Loha, Dist.
Nanded.

... **Respondents.**

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Mr. Gadhe Ganesh A, Advocate for Applicant (absent).
Mr. M.M. Nerlikar, APP for the respondent No. 1 to 3.
Mr. Avinash D. Hande, h/f Mr. Rajendra Deshmukh,
Advocate for respondent No. 4.

**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 09.04.2019

ORAL JUDGMENT (PER T.V. NALAWADE, J):

1. Heard learned APP for final disposal. Nobody turned up for the

petitioner.

2. The petition is filed for giving direction to respondents No. 1 to 3 to register Crime against respondent No. 4 for use of forged validity certificate and make investigation of the matter.

3. The learned counsel Mr. Hande submitted that he is appearing for respondent No. 4. As the relief is claimed against the Authority and the police station, there is no need of giving hearing to the counsel of respondent No. 4 though respondent No. 4 is made party respondent.

4. The learned APP produced on record the report submitted by the Assistant Police Inspector of Sonkhed police station along with the papers of investigation. The papers contain the correspondence made with two Caste Scrutiny Committees, Amratwati and Yavatmal. The respondent No. 4 had produced validity certificate of these committees for contesting election to Zilla Parishad. The record shows that both the committees informed that no such caste validity certificate is issued in favour of respondent No. 4. Thus apparently forged certificate was used for contesting the election by respondent No. 4.

5. In view of this circumstance, in ordinary course police ought to have registered the crime and as the Crime is not registered in view of the observations made by Apex Court in case of **Lalita Kumari v. State of U.P and Ors 2014 (2) SCC 1**, the direction needs to be given to respondent Police Station to register the crime. So the following order.

ORDER

1. Writ Petition is allowed.
2. Respondent Police Station is hereby directed to register the crime for offence of forgery, for offence of using the forge certificate and by that cheating the Authority. Any other offences may be added.
6. Rule made absolute in those terms.

(MANGESH S. PATIL, J.)

(T.V. NALAWADE, J.)

mkd