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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1564 OF 2016
WITH
CRIMINAL WRIT PETITION NO.411 OF 2017
WITH
CRIMINAL WRIT PETITION NO.2431 OF 2016

S-1 ...Petitioner
vs.
The State of Maharashtra & Anr. ...Respondents

WITH
CRIMINAL WRIT PETITION NO.3795 OF 2016

S-2 ...Petitioner
vs.
The State of Maharashtra & Anr. ...Respondents

WITH
CRIMINAL WRIT PETITION NO.2969 OF 2017
CRIMINAL WRIT PETITION NO.2976 OF 2017

S-3 ...Petitioner
vs.
The State of Maharashtra & Anr. ...Respondents

Mr.Subhash Jha with Ms Sanjana Pardeshi and Ms Ruchi Bist I/b Mr.Ashok S. Pande for the Petitioners in W.P.Nos.411/2017, 1564/2016,2431/2016, 2969/2017, 2976/2017 and for respondent No.3 in W.P.No.3795 of Mr.Karansingh Rajput a/w Mr.Pranot Pawar and Mr.Nilesh Tank I/b Mr.Nilesh Tank for the petitioner in W.P.No.3795/2016 and for the respondent No.2 in W.P.Nos.1564/2016, 411/2017, 2431/2016, 2969/2017, 2976/2017.

Mr.J.P.Yagnik, APP for State in all petitions.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE ON WHICH JUDGMENT IS RESERVED: MARCH 29, 2019

DATE ON WHICH JUDGMENT IS PRONOUNCED: APRIL 24, 2019

JUDGMENT: (PER A.S.OKA, J.)

1 These matters have been specially assigned to this Bench. As the litigants involved are the members of the bar, efforts were made to put an end to the dispute. However, amicable solution could not be found. Thereafter, the petitions were taken up for final disposal. As the parties are the members of the bar and considering the nature of the rival allegations made, the petitions were heard in camera. We are masking the names of the parties. The petitioner in Criminal Writ Petition Nos.1564 of 2016, 411 of 2017 and 2431 OF 2016 is described as S-1. The petitioner in Criminal Writ Petition No.3795 of 2016 is described as S-2. The petitioner in rest of the two petitions is described as S-3.

2 These three petitions contain prayers for quashing four different First Information Reports. The said FIRs are (1) C.R.No.93 of 2016 registered with Kurar Police Station, Mumbai on 1st April 2016 for the offences punishable under sections 406, 420, 465 to 468, 471, 473, 199,200, 204, 205 and section 120-B of Indian Penal Code (IPC) (2) C.R.No.125 of 2016 for the offences punishable under sections 406, 420, 465 to 467, 471, 473, 199, 200, 205 read with section 34 of IPC registered with Borivali Police Station on 12th March 2016, (3) C.R.No.144 of 2016 for the offences punishable under sections 406, 420,

465 to 468, 471, 473, 199, 200, 204, 205 and 500 of IPC registered with Azad Maidan Police Station, Mumbai on 8th April 2016 and (4) C.R.No.484 of 2015 registered with Dindoshi Police station on 28th August 2015 for the offences punishable under section 354 of IPC.

3 The petitioner in Writ Petition No.411 of 2017 is a practicing Advocate. He has prayed for quashing FIR bearing No.144 of 2016 in which the second respondent is the first informant. The second respondent is also a member of the Bar. For the sake of convenience, the petitioner in W.P.No.411 of 2017 is referred as S-1 and the second respondent in the said Writ Petition is referred as S-2.

4 The petitioner in Writ Petition No.1564 of 2016 is again S-1. The prayer in this Petition is for quashing C.R.No.125 of 2016 registered with Borivali Police Station. The second respondent in this petition is S-2 who is the first informant. Apart from S-1, there are three other accused named in the FIR who are referred hereafter as S-3 and S-4.

5 Writ Petition No.2431 of 2016 is filed by S-1 for quashing C.R.NO.93 of 2016 registered with Kurar Police Station. S-2 is the first informant in the said offence who is the second respondent in this Writ Petition. There is one more accused named therein. She is the person described as S-3.

6 Writ Petition No.3795 of 2016 is filed by S-2
for quashing C.R.No.484 of 2015 which is registered
at the instance of S-3. It is stated that now even
S-3 is an Advocate. Writ Petition No.2969 of 2017
is filed by S-3 praying for quashing C.R.No.93 of
2016 registered with Kurar Police Station. Being
the first informant in the said offence, S-2 is the
second respondent.

7 Writ Petition No.2976 of 2017 is again by S-3
for quashing C.R.No.125 of 2016 registered with
Borivali Police station at the instance of the
second respondent who is S-2.

8 Before we go into the merits, it will be
necessary to briefly refer to the allegations made
in the FIRs which are subject matter of challenge in
these petitions.

C.R.NO.484 OF 2015

9 C.R.No.484 of 2015 is the FIR registered first
in point of time. As stated earlier, S-3 is the
first informant and the S-2 is shown as the accused.
In the statement on the basis of which FIR was
registered, S-3 stated that she was working as a
Typist in the Advocate's firm, of S-2 while she was
studying in the last year of Law Degree Course. She
stated that in the firm S-2 was working as an
associate Advocate. He was removed from the firm in
September/October 2014. She stated that she
developed acquaintance with S-2 while working in the

firm.

10 According to her case, S-2 used to make her sit in the office of the firm even after office hours and once he had proposed to her. She alleged that one more woman was working in the said firm in the year 2013. it is alleged that the S-2 tried to behave with her indecently and used to harass her. Therefore, the said woman (hereinafter called as "S-4") preferred to leave the job.

11 The alleged incident on the basis of which FIR was registered is of 27th August 2015. On that day, S-3 was working in the office of the firm till 9.00 p.m. After she was told to leave the office by S-1, she started going back to her residence by her two wheeler. When she reached a particular place near Gokuldharm, Goregaon (E), around 9.15 p.m., S-2 called her and therefore, she stopped the vehicle. S-2 informed her that he had some work with her. Therefore, S-3 stopped her two wheeler and got down from it. The allegation of S-3 is that at that time S-2 held her in an objectionable manner as described therein. Thus, allegation is of outraging her modesty. Her case is that she somehow escaped and proceeded by her two wheeler towards her house. According to her, she stopped her two wheeler near Ryan International School as she broke down due to the incident. At that time, one Mr. Vishal Jadhav was passing through who enquired with her. But she did not disclose the incident to him.

12 On the next day, she returned to duty and she informed the incident to S-1 who instructed her to lodge a complaint with the police. It is alleged that when she reached the police station at 1.30 p.m., there was no one available to receive the complaint. Therefore, she forwarded a handwritten complaint to Dindoshi Police station through a person working in the firm. After receiving the complaint, a Police Officer visited her house and thereafter recorded her statement. That is how FIR was registered on 28th August 2015.

C.R.NO.93 of 2016

13 C.R.No.93 of 2016 has been registered at the instance of S-2 against S-1 and S-3. In the statement of S-2 on the basis of which FIR was registered, he stated that he was knowing S-1 from the year 2008. He stated that he received a call from S-1 on 8th October 2013 seeking his help in the profession on the ground that he was under pressure due to accidental death of his brother and due to the fact that his court work was ever increasing. According to S-2, as S-1 sought his help, he met S-1 in a restaurant near Bombay High Court. S-1 introduced him to S-3 by claiming that she was a practicing Advocate. According to S-2, S-3 used to act as an Advocate on instructions of S-1 in various Courts in Mumbai and Thane. He claimed that in March/April 2015, while examining the record of a case pending in the Court Metropolitan Magistrate,

67th Court, Borivali, he noted that S-3 was not a qualified Advocate. He alleged that on instructions of S-1, on 30th July 2013, S-3 signed the Roznama of the Suit No.1824 of 2012 as an Advocate for the plaintiff. The advocate for the plaintiff was the firm Kumar & Associates of S-1. S-2 stated in his statement that on 6th July 2015, in a Special Case No.9 of 2014, S-3 applied for a certified copy by posing herself as an Advocate for the accused. Further allegation is that she signed an application on behalf of the accused for complying with the conditions of bail and she also signed the bail bonds and affidavits claiming to be an Advocate. Further allegation in the statement of S-2 is that though S-3 was not an Advocate at the relevant time, by posing herself as an Advocate, she did several acts including signing Roznama as aforesaid. Therefore, S-2 alleged the commission of offences punishable under sections 406, 420, 465, 466 to 468, 471, 473, 199, 200, 204, 205 and 120-B of the Indian Penal Code against the S-1 and S-3.

C.R.NO.125 OF 2016

14 As far as C.R.No.125 of 2016 registered with Borivali Police Station is concerned, the first informant is S-2. In this case, S-1, S-3 and S-4 have been named as the accused. In the statement on the basis of which FIR was registered, S-2 has stated the facts stated in his statement in C.R.No.93 of 2016. It is alleged that S-2 was

helping S-1 in the court matters as per his instructions. According to S-2, in December 2013, S-3 called S-4 in the office to help her. On 26th January 2014, S-3 requested S-2 to help her as her brother was arrested in connection with an offence. Accordingly, S-2 appeared for S-3's brother at the stage of remand and also applied for bail. As he was unable to appear further, S-2 gave no objection certificate to S-3 to engage another Advocate. On 11th July 2014, S-2 saw S-3 and S-4 along with one "A" an Advocate in the company of S-3's brother. According to the case of S-2, S-3 requested him to sign the bail documents of her brother. According to S-2, he refused to sign the documents and that he informed S-3 that he has stopped working for S-1 from August 2014. S-2 alleged that, later on in April 2015, while taking inspection of the record of the Court, he realised that the signature made on 11th July 2014 by S-3 in his presence was the signature of S-1. He alleged that on the letter of identity, salary certificate, bond and affidavit, S-3 forged the signatures of S-1. He alleged that on enquiry, he realised that S-3 was not an enrolled Advocate. FIR was registered on 12th March 2016. In the FIR, offences under sections 406, 420, 465, 466, 461, 471, 473, 200, 205 read with section 34 of the Indian Penal Code were alleged against S-1, S-3 and S-4 as well as said "A", Advocate.

15 In C.R.No.144 of 2016 registered with Azad Maidan Police Station, S-2 is the first informant. In the statement on the basis of which FIR was registered, he has narrated the facts leading to registration of C.R.No.93 of 2016 of Kurar Police Station and C.R.No.125 of 2016 of Borivali Police Station. In the statement on the basis of which FIR was registered, S-2 alleged that on 6th July 2015 he filed a complaint alleging that S-1 and S-3 were running a racket of bogus Advocates. After filing of the said complaint, S-1 and S-3 caused a false complaint being filed against him and M/s. MKS Legal and one Santosh Saroj Advocate with the Bar Council of Maharashtra and Goa. The complaint was filed in the name of Amarendra Kumar with the Bar Council of Maharashtra and Goa. It is further alleged that there was an affidavit filed by Shri Amarendra Kumar on 22nd February 2016. In the statement, S-2 stated that Shri Amarendra Kumar informed him that he has made the said affidavit, but the complaint with the Bar Council of Maharashtra and Goa is not made by him. Amarendra Kumar stated that the Vakalatnama filed in the complaint is without his consent and he has not signed the complaint. According to S-2, S-1 had fabricated the documents for the purposes of filing a false complaint against him with the Bar Council of Maharashtra and Goa.

16 It is in the light of contents of the FIRs that now we are dealing with the submissions made on merits.

17 Before we turn to the submissions made across the bar, we must note that a Division Bench of which one of us (A.S.Oka,J.) is a party made an effort to see that an amicable solution to the dispute is found as all the contesting parties are now the Members of the Bar. However, somehow amicable settlement could not be arrived at.

18 The allegation against the S-3 is that though she was not an Advocate while working in the office of S-1, she signed the court proceedings of a suit as an Advocate. The said allegation is in C.R.No.93 of 2016. As stated earlier, section 120-B is also invoked. In this context, the order dated 10th August 2018 is relevant which reads thus:

"1.The compilation of documents has been filed in Writ Petition No. 1564 of 2016 by the Petitioners. On page 8 of the compilation is a copy of extract of roznama in S.C. Suit No. 1824 of 2012 in the City Civil Court at Dindoshi. The extract contains entries of roznama from 24th July, 2013 till 17th October, 2013. On the left hand side of the roznama dated 24th July, 2013 on page 9 of the compilation, following endorsement appears:- "received Chamber Summons". Below this endorsement, a signature appears. Below the signature there is a date mentioned as 30th July and below the date, the words "for Adv. for Plaintiff" appear. However, yesterday during the course of hearing of these group of Petitions, the learned counsel appearing for the Respondent No.2 tendered across the bar two different certified copies of the same roznama. The copies have been issued on 27th March, 2015 and 26th June, 2015. In the said two certified copies, the word 'for' which appears before "Adv for Plaintiff" is missing. The learned

counsel appearing for the Petitioner in Writ Petition No. 1564 of 2016 also produced a certified copy of the roznama of the same Suit from 14th August, 2012 till 19th August, 2014. In the said certified copy, on the left side of the roznama of 24th July, 2013, the word "for" appears above the words "Adv for Plaintiff". All the certified copies are photocopies of the original. Thus, prima facie, the word "for" appears to have added after 26th June, 2015 and before 7th August, 2015. The certified copies issued on 27th March, 2015 and 26th June, 2015 are taken on record and marked as "CC1" and "CC2" respectively. Certified copy which was ready on 7th August, 2015, which is tendered by the learned counsel appearing for the Petitioner in Writ Petition No. 1564 of 2016 is also taken on record and marked "CC3". There is one more serious aspect of the matter. We find from the file tendered across the bar by the learned APP that the original page of the roznama containing the entries of 24th October, 2013 was seized by the police. In the said original, the word 'for' appears. The learned APP on instructions states that the said original page in the roznama was seized on 28th June, 2016.

2.The certified copies which are marked as "CC1", "CC2" and "CC3" shall be sealed by the Court Sheristedar in an envelop. The Registrar (Judicial – I) will forward the said envelop to the learned Principal Judge of the City Civil Court along with a copy of this order. The learned Principal Judge of the City Civil Court will appoint either the Judge before whom the Suit is pending or any other learned Judge to go through the record with a view to ascertain whether there is any order passed in the said Suit between 26th June, 2015 and 7th August, 2015 which permitted the modification of the endorsement which appears on the left hand side of the roznama entry dated 24th July, 2014. A report to that effect shall be submitted by the learned Judge through learned Principal Judge. If such order is on record, a copy of the same shall be forwarded along with the report. If it is found that the record does not show that any order was passed by the Court permitting modification of the endorsement, the learned

Principal Judge will direct the concerned Judge to hold an inquiry as to how a correction has been carried out in the endorsement and who is responsible for allowing the Court record to be tampered with in this fashion.

3.Report to be submitted by the City Civil Court within two weeks from the date on which this order is uploaded. Place the Petitions under the caption of directions on 31st August, 2018 at 11.00 a.m.

4.After receiving the report, further date of hearing shall be fixed."

(emphasis added)

19 Accordingly, the first Additional Principal Judge of the City Civil Court has submitted a report dated 5th October 2018 which notes that the word "for" appears to have been added subsequently without permission of the Court. The finding is that the word "for" appearing before the words "Adv. for plaintiff" has been added subsequently without permission of the Court. He has recorded an opinion though he is unable to name a specific person who did this interpolation, there is a possibility that the addition may have been made by S-3 with a view to fill up lacuna as when she signed the endorsement, she was not an Advocate.

20 The learned counsel for S-1 and S-3 in support of the petitions filed by them pointed out that even assuming that the allegations made in the FIRs registered at the instance of S-2 are correct, all that it mean is that on few occasions, S-3 signed certain court proceedings as an Advocate though she

was not an Advocate. He invited our attention to the allegations made in the three FIRs which are registered at the instance of the S-2. He submitted that as far as C.R.No.144 of 2016 registered with Azad Maidan Police Station is concerned, a statement of Amarendra Kumar recorded during the investigation shows that he accepted that he has signed the affidavit in support of the complaint filed with the Bar Council and that he has accepted that his signature appears on the Vakalatnama filed in the complaint. He submitted that the said Amarendra Kumar has himself made no grievance and in fact the statement of S-2 on the basis of which FIR is registered shows that the documents needed for filing of the complaint are admittedly signed by the said Amarendra Kumar. As regards the statements made in the three FIRs registered at the instance of S-2, he submitted that all along he knew that S-3 was not an enrolled Advocate at the relevant time. He urged that S-2 has falsely stated that for the first time in March/April 2015, he became aware of the fact that S-3 was not an enrolled Advocate. He submitted that it is not uncommon that sometimes interns or the clerks working in the office of an Advocate append their signatures on applications/paerces filed in the Court. They identify the parties for the purposes of affirmation of affidavits. He submitted that even assuming that the allegations made in the FIRs are correct, there is nothing wrong if S-3 signed for her senior (S-1) by mentioning that she was signing for the said

Advocate. He urged that S-1 has no grievance about the said signatures though only he can be the aggrieved party. As regards the report received from the City Civil Court, he submitted that there is every possibility that to malign S-3 that the interpolation may have been made in the record by adding the word "for" by someone else. There is no basis for coming to the conclusion that the word "for" was added by S-3.

21 He invited our attention to section 95 of the Indian Penal Code (for short "IPC"). He urged that even assuming that if any offence is made out in the three FIRs registered at the instance of the S-3, actions which are attributed to her never caused any harm or never intended to cause any harm to anyone. He submitted that in any case, even assuming that slight harm was caused, no person of ordinary sense could have complained about it. He submitted that allegations against S-1, and S-3 and S-4 are very trifling in nature. He submitted that on plain reading of the allegations, section 95 of the IPC is squarely attracted. He relied upon the decision of the Full Bench of Delhi High Court in case of Nilam vs. Commissioner of Police and others decided on 17th September 1993 in Criminal Writ Petition No.597 of 1992. He also invited our attention to the decision of learned Single Judge of Delhi High Court in the case of **Surendra Nath Vs. State and others**¹. He submitted that the mandate of section 95 of the IPC

1 2007 (98) DRJ 628

ignores the previous acts. He submitted that the acts alleged against S-1, S-3 and S-4 are such that no harm was done to anyone. He submitted that such trifling acts cannot be termed as an offence. He relied upon the decision of Delhi High Court in the case of **Prabhat Kumar Singh Vs. Army College of Medical Science and others**². He relied upon the decision of Punjab and Haryana High in the case of **Attar Singh Vs. State of Punjab**³. He placed reliance on the decision of the Apex Court in the case of **Grasim Industries Limited and another Vs. Agarwal Steel**⁴. Relying upon the said decision, he submitted that as the said Amarendra Kumar signed the said documents. There is a presumption that he must have read the documents properly and understood them. The presumption is that only after understanding the documents that he has appended his signature below the same.

22 As regards the prayer by S-2 for quashing the C.R.No.484 of 2015 lodged by S-3, he urged that the said FIR is lodged first in point of time which clearly spells out all the ingredients of section 354 of IPC. In fact, it could be said that it is only because of the said FIR that the subsequent FIRs were lodged by S-2 out of vengeance.

23 The learned APP urged that in the FIRs subject matter of these petitions, the police are carrying

2 2018 SCC OnLine Del 9619

3 1985 SCC OnLine P & H 67

4 (2010) 1 SCC 83

on investigation which is at the final stage. He relied upon the reports submitted to this Court from time to time. He relied upon the decision of the Apex Court in the case of ***Parbatbhgi Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujrat and another***⁵. He submitted that the cases registered at the instance of S-2, forgery has been alleged. He relied upon the meaning assigned to the words forgery and fraud. He submitted that forgery and fraud are essentially matters of evidence. He submitted that no interference is called for at this stage.

24 The learned counsel for S-2 submitted that on plain reading of three FIRs which are challenged by S-1 and S-3, a prima facie case is made out to prosecute the said two accused. He submitted that the addition of word "for" in the Roznama of S.C.Suit No.1824 of 2012 is obviously at the instance of S-3 in as much as by addition of word "for", only she stands to gain. He urged that even the said conduct has to be taken into consideration by the Court. He also relied upon certain decisions. He pointed out the whats app conversation between S-2 and S-3 before 27th August 2015 and pointed out that the same shows falsity of allegations in the FIR registered at the instance of S-3.

25 We have carefully considered the submissions. We have carefully gone through the decisions relied

5 (2017) 9 SCC 641

upon by the parties. We have perused the documents filed on record. C.R.No.484 of 2015 registered at the instance of S-3 against S-2 on 28th August 2015. The same relates to the incident of 27th August 2015. Considering the sensitive nature of allegations made therein, with a view to protect the dignity of S-3 who is a woman, we have not reproduced the allegations made by her in verbatim. The allegations in brief have been already reproduced earlier. If what is stated in the statement of the third respondent recorded on 28th August 2015 is true, the ingredients of an offence punishable under section 354 of IPC are squarely attracted. The complaint was lodged by her at the earliest opportunity. Prima facie, there is an explanation as to why FIR was not lodged by her on the date of the alleged incident. At the time when the FIR was lodged, there is nothing placed on record to show that there was enmity between S-2 and S-3. Subsequent FIRs which are the subject matter of challenge viz.; C.R.Nos.93 of 2016, 125 of 2016 and 144 of 2016 have been registered on 1st April 2016, 12th March 2016 and 8th April 2016 respectively. Considering the nature of allegations of outraging the modesty made in the statement of S-3 against S-2 and considering the fact that the said allegations constitute an offence punishable under section 354 of IPC, in exercise of discretionary jurisdiction under section 482 of the Code of Criminal Procedure (for short CrPC) and under Article 226 of the Constitution of India, it is not possible to entertain the prayer for quashing

the said C.R.No.484 of 2015.

26 Now, we come to the allegations made in C.R.No.93 of 2016. At this stage, the question is whether S-2 was aware prior to March/April 2015 that S-3 was not an enrolled Advocate need not be gone into. It is ultimately a matter of investigation. We have reproduced the allegations made in C.R.No.93 of 2016 registered with Kurar Police Station. The allegation is that S-1 was running an Advocates firm known as Kumar Associates. The allegation made by the second respondent is that on the Roznama of the S.C.Suit No.1824 of 2012, S-3 has signed as the Advocate for the plaintiff in the said suit. M/s. Kumar Associates which is the firm of S-1 was appearing for the plaintiff. It is alleged that various applications were made by her in Special Case No.9 of 1994 by S-3 posing herself to be an Advocate. As far as S.C.Suit No.1824 of 2012 pending in the City Civil Court is concerned, prima facie, it appears to us that on the Roznama, S-3 has signed an endorsement acknowledging receipt of a Chamber Summons. Initially, her signature appeared above the words "Adv. for plaintiff". It appears that the word "for" was subsequently interpolated above the words "Adv. For Plaintiff" to create a show that S-3 has not signed as the Advocate for Plaintiff but on behalf of the Advocate for plaintiff. Prima facie, it appears to us that only S-3 and/or S-1 could be the beneficiaries of the addition of the word "for" and therefore, such conduct cannot be ignored

especially when this Court is dealing with exercise of discretionary powers under jurisdiction made section 482 of the Cr.P.C and Article 226 of the Constitution of India. The opinion of the learned first Additional Principal Judge, Mumbai is that this interpolation could have been made by S-3.

27 C.R.No.144 of 2016 is registered with Azad Maidan on 8th April 2016. In C.R.No.93 of 2016 offence under section 406, 420, 465, 466, 471, 473,199, 200, 205 read with section 34 of IPC have been alleged. In C.R.No.144 of 2016, the allegation of S-2 is that as S-1 was unable to devote longer time for the profession due to personal difficulty, S-2 volunteered to help S-1. A false complaint was filed by S-1 against S-2 as well as Shri Santosh Saroj Advocate and M/s. MKS Legal with the Bar Council of Maharashtra and Goa. The allegation is that the documents in possession of S-2 signed by one Amarendra Kumar were used by S-1 for filing the false complaint with the Bar Council against S-2. No doubt the counsel for S-1 relied upon the statement of the said Amarendra in which he claimed that he has signed necessary documents which were required for filing the complaint. Today, he might have taken the side of S-2, but since there are allegations of forgery and fabrication, investigation cannot be allowed to be interfered with. The reports of the hand writing expert have been called for.

28 Now coming to C.R.No.125 of 2016 registered with Borivali Police Station on 12th September 2016 the allegation is that fabricated documents were produced by S-1, S-3 and S-4.

29 The learned counsel for S-1 and S-3 urged that the parties involved in this case are relatively young Advocates. Therefore, the case may be considered for quashing as no one will be benefited by continuing investigation and by proceeding with the trial. The question whether the defence under section 95 of IPC is a plausible defence or not has to be decided only after recording of evidence. At this stage, when investigation is not fully completed, it is not possible to hold that a prima facie case is made out regarding the applicability of section 95 of IPC. In the cases in hand, in case of two impugned FIRs, the allegations concern the probity of the process of administration of justice. The allegation is that a person who was not enrolled as an advocate has signed the documents filed in the Court while posing herself to be an advocate. The argument that the interns/ clerks working in the offices of advocates sign certain documents on behalf of advocates does not impress us. Here, the allegation is that S-3 signed the documents posing herself to be an advocate. She did not sign those documents for the advocate. Even the argument that S-1 is really the aggrieved person who has not objected to the conduct of S-3 is not at all

relevant at this stage as the role played by S-1 needs investigation as sections 120-B (in CR.No. (3/2016) and 34 (in CR. No.125 of 2016) have been invoked. Even in case of CR.No. 144/2006, only on the basis of the statement of Amarendra Kumar allegedly recorded during investigation, the investigation cannot be interfered with at this stage when the allegation is that the documents in custody of S-1 were used to file a complaint of professional misconduct against three members of the Bar including S-2. Whether fabricated or forged documents were used by S-1 is a matter of investigation.

30 It is unfortunate that the members of the Bar are facing allegation of commission of crimes. Merely because they are young members of the Bar, the extraordinary jurisdiction cannot be exercised as the allegations affect the process of administration of justice. Shri Jha alleged that even the wife of S-2 has signed on a Vakalatnama though she was not an Advocate. This aspect has to be considered during the investigation. The investigation into the offences is not yet complete. In one of the cases, draft report has been sent for approval of the superior Officer. Suffice it to say that at this stage, no interference with investigation is called for looking to the nature of allegations in the FIRs. While we say this, we must clarify here that merely because we are not inclined to quash the FIRs, it is not necessary for the

police to file charge sheets in all these cases. It is for the Investigating Officers to independently decide whether the cases are worth filing charge sheets. By refusing to interfere with the FIRs filed at the instance of S-1 and S-3, we are not suggesting that the cases are worth filing charge sheets. This is a matter which is left to the Investigating Officers.

31 As far as tampering of Court record in the form of Roznama of a Suit pending in the City Civil Court is concerned, it is true that in case of the offences relating to Court, there is a procedure prescribed in law. We are of the prima facie view that the word "for" has been interpolated subsequently with a view to help S-1 and S-3 in as much as no one else will be benefited by the interpolation of the word "for". Considering this aspect, it will not be appropriate to exercise discretionary and equitable jurisdiction under section 482 of the Cr.P.C and Article 226 of the Constitution of India at this stage in the facts of the cases in hand..

32 Accordingly, we pass the following order:

- (I) Writ Petitions are rejected;
- (II) However, no final adjudication is made on any question of fact and all issues are expressly kept open;

(III) The concerned Investigating Officers shall complete the investigation, if not completed so far and submit reports in accordance with law in the Courts of the concerned Magistrates. Investigation needs to be completed at the earliest;

(IV) There will be no order as to costs.

(RIYAZ I. CHAGLA,J.)

(A.S.OKA,J.)

. After pronouncement of the Judgment, a request for continuation of ad-interim/interim relief is made. Accordingly we direct that ad-interim/interim relief which is operative today is extended till 31st July 2019.

. At this stage, the learned counsel for the petitioners in Writ Petition Nos.1564/2016, 411 of 2017, 2631 of 2016, 2969 of 2017 and 2976 of 2017 prays for fixing a time bound programme for completing the investigation.

. We direct that investigation shall be completed by the end of May of 2019.

(RIYAZ I. CHAGLA,J.)

(A.S.OKA,J.)