

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

CRIMINAL WRIT PETITION NO. 1574 OF 2017

1. Shankar Suresh Jagtap
Age : 36 yrs. Occu. Service,
R/o. Plot No.84, Survey No.21/1
Shivaji nagar Kedgaon
Dist. Ahmednagar.
2. Sachin Annasaheb Pote
Age : 37 yrs. Occu. Service,
R/o. Kedgaon Link Road
Bhushan nagar
Dist. Ahmednagar.

... PETITIONERS

VERSUS

1. The State of Maharashtra
Through the Police Station officer
Parner Police Station
Dist. Ahmednagar.
2. Subhash Yadav Autti
Age : 42 yrs. Occu. Agri.
R/o. Parner, Tal. Parner
Dist. Ahmednagar.

... RESPONDENTS

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Mr. Niteen V. Gaware, Advocate for Petitioners.

Mr. G. O. Wattamwar, APP for Respondent No.1 / State.

Mrs. Sunita Sonawane, Advocate for Respondent No.2.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 19th January, 2021.

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

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The present proceeding is filed for relief of quashing and setting aside of Crime No.I-248 of 2009, registered with Parner Police Station, District Ahmednagar, for the offences punishable under Sections 420, 465, 466, 467, 468, 471 read with 34 of the Indian Penal Code. The crime was registered on the basis of order made on Exhibit-1 in M.A. No.12 of 2009 by the Judicial Magistrate First Class, Parner by which the order of investigation was made under Section 156(3) of the Code of Criminal Procedure.

3 This Court has carefully gone through the contents of the original complaint. The complainant has made allegations that the accused, who include Tahsildar and staff members of Tahsil office, are collecting huge money from the citizens by issuing identity cards to show that they are senior citizens. It is contended that they have been issuing bogus identity cards. It is contended that by communication dated 24th January, 2006 and other communications,

the District Collector had informed to the subordinate officers that they should collect papers, applications given for getting identity cards by senior citizens through the Dignity Foundation, institution, which was started by the complainant. It is contended that when there was such direction, the direction was not followed and the accused had issued identity cards to senior citizens, which were more than one thousand. It is contended that some such identity cards were collected by him and on that basis he can say that the offence is committed by the Tahsildar and his staff members.

4 A copy of Government Resolution dated 6th May, 2003 is produced of the State Government for informant and it shows that for process of issuance of the identity cards to senior citizens, the institution, Dignity Foundation can be used as approval was given to that institution by the Government and this institution was expected to prepare laminated identity cards and hologram can be used on such identity cards. The contents of the Government Resolution shows that this was enabling provision and it was to help the senior citizens. These applications collected by NGOs were to be handed over to Tahsildar and the identity cards were to be issued by the Tahsildar, which were to be laminated by NGOs.

5 The circular dated 7th December, 2005 issued by the District Collector, Nagar shows that he had informed to the concerned that the certificate issued by the civil surgeon in respect of age of senior citizen can be accepted if they are not having the record like birth certificate.

6 In view of the aforesaid circular and the Government Resolution, it can be said that the Government wanted to help the senior citizens and as the aforesaid institution was ready to help the senior citizens, approval was given to the institution of the informant to do the aforesaid work. The present Petitioners are employees of the Tahsil office and there are allegations against them of aforesaid nature of the informant. Many times applications are made in big number for getting identity cards by senior citizens and on those occasions, the entries are not made of those identity cards in the register, which can be maintained in this regard. If the identity card is to be issued in laminated form or it is issued on some papers, ordinarily, some charges are taken for that by the Government and if the Government is charging fees for that, the informant cannot have objection for taking such charges. In view of these circumstances, this Court had asked the learned counsel for informant to show some identity cards, which can be called as false or bogus. There is no

such record with the informant. Thus, the present proceeding is not filed with *bona-fide* intention and it appears that the informant wants to do some business and for that he is interested in pressurizing the persons from Tahsil office. In view of the aforesaid nature of Government Resolution and the nature of allegations, it cannot be said that any offence is committed by the Tahsildar or his staff members. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. Relief is granted in terms of prayer clause (C).
- III. Rule made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]