

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

**CRIMINAL APPLICATION (APL) NO.1168 OF 2018**

Diksha D/o Sakharam Zade, aged  
about 25 years, Occ:- Business, r/o  
Alapalli, Tah. Aheri, District  
Gadchiroli.

.... **APPLICANT**

// **VERSUS** //

1] The State of Maharashtra, through the  
P.S.O., Police Station Aheri, Tah. Aheri  
Dist. Gadchiroli.

2] Shri Vinod s/o Shrihari Kawthi,  
Aged 32 years, Occ:- Service Talathi  
Saja No.14 Kodsepalli, R/o Aheri,  
District Gadchiroli.

.... **NON-APPLICANTS**

-----  
Shri. N.S. Khandewala, Advocate for the applicant.  
Shri T.A. Mirza, A.P.P for the Non-applicant No.1/State.  
-----

**CORAM** : **Z.A HAQ AND AMIT B. BORKAR, JJ.**  
**DATE** : 11 FEBRUARY, 2021.

**JUDGMENT: [PER: AMIT B. BORKAR, J.]**

1. Heard. Rule. Rule is made returnable forthwith.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicant has challenged the registration of the First Information Report No.205/2018 registered with the non-applicant No.1-Police Station on 23<sup>rd</sup> October 2018 for the offences punishable under Sections 420, 466, 471 and 34 of the Indian Penal Code.

3. The First Information Report came to be registered against the applicant with the accusations that the applicant in connivance with two other persons has prepared forged caste certificate issued in favour of Diwakar Anand Madvi. It is therefore, alleged that the applicant is responsible for issuance of false certificate in favour of the Diwakar Anand Madvi. The applicant has therefore filed present application challenging the registration of the First Information Report.

4. This Court on 5<sup>th</sup> February 2019 issued notices to the non-applicants. The non-applicant No.1 has filed its reply and has stated that total 9 forged certificates and soft copies of same were found in the computer of Pranhita Infotech Services which was run by the applicant. The Investigation Agency has seized the hard-disc

and Lap-top of the accused person and those were sent for chemical analysis. There is sufficient material available against the applicant to show her involvement in the alleged crime.

5. We have carefully considered the allegations in the First Information Report and reply filed by the non-applicant No.1, this is not the stage to decide whether there is any truth in the allegations made but to form an opinion whether on the basis of the allegation a cognizable offence or offences alleged has been *prima facie* made out. The guilt or otherwise of the accused can be proved only after conducting a full-fledged trial. It is well settled by Apex Court in a catena of cases that the power under Section 482 Cr.P.C. has to be exercised sparingly and cautiously to prevent the abuse of process of any court and to secure the ends of justice. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court should refrain from giving a *prima facie* decision unless there are compelling circumstances to do so. Taking the allegations and the complaint as they were, without adding or subtracting anything, if no offence was made out, only then the High Court would be justified in quashing the proceedings in the exercise of its power under Section 482 Cr.P.C. An overall perusal of the materials placed

before us makes out a *prima facie* case against the accused which requires to be decided by conducting a proper trial. At this stage the High Court cannot analyze and meticulously consider the evidence and anticipate whether it will end up in conviction or acquittal. In the circumstances, in our opinion, it is not proper for the High Court to interfere with the proceedings and quash the First Information Report.

6. We therefore, pass the following order:

(i) Criminal Application (APL) No.1168 of 2018 is dismissed.

(ii) The applicant is at liberty to adopt appropriate proceedings in case charge-sheet is filed against the applicant.

**JUDGE**

**JUDGE**