

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

CRIMINAL APPLICATION NO.1536 OF 2023

1. Kakasaheb S/o. Eknathrao Jadhav,
2. Kalpana K. Jadhav/Gawali ... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
Through In-charge of Police Station
Waluj, Taluka and Dist. Aurangabad.
2. Kishor S/o. Bhujangrao Tambe ... **RESPONDENTS**

...
Mr. Govind A. Kulkarni, advocate for the applicants
Mr. V.S. Badakh, APP Respondent/State
...

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATE : 25.04.2023

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate Mr. Kulkarni for the applicants.

2. The applicants are seeking quashment of Crime No.262/2021 registered with M.I.D.C., Waluj Police Station, Aurangabad for the offence punishable under Section 420, 467, 468, 471 read with Section 34 of the Indian Penal Code and the consequent charge-sheet and criminal case arising there from.
3. The sum and substance of the allegations as can be discerned from the FIR, supplementary statement of the informant and the statements

of the witnesses, are to the effect that though the students strength of the school being run by the Management of which the applicants are the President and Secretary was not adequate and was not found entitled to receive the Government grant, the school report card for the year 2018-19 was forged and fabricated to show increased strength of students to grab the government aid. Thus, the applicants and the other accused have indulged in forgery, used the forged documents and cheated the government, dishonestly and fraudulently, to claim the grant.

4. Mr. Kulkarni would submit that though the petitioners are the office bearers of the Management running the school, they have not indulged in any crime. The headmaster submitted the proposal on his own and seems to have indulged in such forgery and fabrication of record. There was no dishonest or fraudulent intention on their part. They are being falsely roped in. Allowing their prosecution is gross misuse of process of law.

5. Learned APP strongly opposes the application. He points out that there are witnesses in the form of the staff members of the school who have all stated about the applicants having indulged in preparation of such false school report card to grab government aid. An opportunity deserves to be extended to the prosecution to establish the charge and proved petitioner's complicity. Offence is serious.

6. Having considered the rival submissions and having perused the record, indeed it is a serious offence. A false and bogus record has been

created regarding students strength to grab government aid which otherwise was not admissible to the petitioners' school. Though an attempt is being made by the applicants to pass on the blame to the in-charge headmaster who is also an accused, it is highly improbable and unbelievable that an in-charge headmaster who otherwise may not have an axe to grind could have indulged in forgery behind the back of the Management headed by the applicants who are president and secretary. Ultimately, it is the Management which runs the school through a headmaster.

7. It is not that the petitioners are being implicated without any substance. There are several witnesses who are employees of the school, who have expressly stated about involvement of the applicants in indulging in alleged forgery with a view to obtain government aid.

8. In our considered view the offence is serious. *Prima facie* all the necessary ingredients for constituting the offences with which the applicants are being charged can be made out from the charge-sheet.

9. The application is rejected.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)