

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.638 OF 2021**

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Pravin Ananda Mahajan

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. S. B. Deore, for the Applicant.

Ms. M. H. Mhatre, APP for the Respondent/State.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 17th JULY, 2023

PC. (Per Nitin W. Sambre, J.)

1. Applicant is working as a Junior Assistant in the office of the Zilla Parishad. The applicant is seeking quashing of the FIR being Crime No.88 of 2013 punishable under Sections 420, 465, 468, 471 r/w 34 of IPC.

2. Complainant is working as a Deputy Engineer with the Minor Irrigation Department, Zilla Parishad, Nashik. Pursuant to the observations made in the inquiry report submitted by three member committee, the Chief Executive Officer, Zilla Parishad, Nashik has directed the Executive Engineer, Minor Irrigation Department to lodge a criminal complaint and as such, the Executive Engineer has authorized the complainant to lodge the complaint.

3. It is alleged that between 2006 to 2009 certain works under the supervision of Minor Irrigation Department, Zilla Parishad, Nashik were executed, which were in the nature of village

lakes and concrete minor dams. It is claimed that the accused persons viz. Executive Engineer and fourteen other peoples have forged the signature of Superintending Engineer who is secretary of the Work Distribution Committee to the unemployed engineers.

4. The contention of Mr. S. B. Deore, counsel appearing for the applicant is that the work in question was executed way back in 2006 to 2009 and there is certification of satisfactory completion of work by the competent technical authority and as such, amount is already paid to the concerned unemployed engineers holding the registered certificate. According to him, the offence is registered at much belated stage and the applicant cannot be held responsible for the alleged offence. According to him, in the inquiry committee report, it has been stated by the applicant that pursuant to the oral direction of the then Executive Engineer, a demand letter was sent to the committee for allocation of the work to the educated unemployed engineers. He would urge that even in the inquiry report, it is observed that the applicant was at the most negligent in discharging the duty, but he cannot be held criminally liable.

5. Mr. S. D. Deore would urge that the applicant was not in-charge at the relevant time at the concerned section and as such, he cannot be held responsible.

6. We have appreciated the submissions in the backdrop of the contents of the FIR.

7. The fact remains that the challenge in the application is

to the FIR and the offence came to be registered as there appears to be a cognizable offence disclosed in the complaint.

8. Apart from FIR, there is hardly any material to infer that the applicant is entitled for the relief as claimed by him. Rather what can be noticed is the complaint came to be lodged on 18th June, 2013 based on the enquiry report in which applicant is named as delinquent. Till this date the prosecution has not placed on record the charge-sheet. The fact remains that the investigation till this date appears to be pending.

9. However, in view of the contents of the FIR, we deem it appropriate to dispose of the application with liberty to the applicant to approach afresh before this Court, in case, if he is charge-sheeted or may apply for discharge, which prayer be considered without being influenced by this order.

10. We deem it appropriate to direct the Investigating Officer to take appropriate decision as to whether he intends to file charge-sheet against the applicant, if not already charge-sheeted, in any case not later than 30th September, 2023, as it is informed by counsel for the applicant that the applicant has suffered for last more than ten years as juniors to him are already promoted.

11. With these observations, the application stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]