



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

CRIMINAL APPLICATION NO.2915 OF 2012

Vishwanath s/o Govinda Johari,
Age : 46 years, Occ : Service as
Superintendent, Govt. Pleader
Office, High Court of Bombay,
Bench at Aurangabad.

...APPLICANT

-VERSUS-

1. The State of Maharashtra.
Through Police Station Soyegaon,
Tq.Soyegaon, Dist. Aurangabad.
2. Deputy Superintendent of Vigilance
Cell, Scheduled Tribe Certificates
Scrutiny Committee, Aurangabad.

...RESPONDENTS

...
Shri Mahesh S. Deshmukh, Advocate h/f Shri N.B. Khandare,
Advocate for the applicant.
Ms.P.J. Bharad, APP for the respondents/State.

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**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 18th December, 2024

JUDGMENT (Per Prafulla S. Khubalkar, J.):

Heard the parties finally.

2. By way of the instant Criminal Application under
Section 482 of the Code of Criminal Procedure, which is

admitted on 23.10.2013, the applicant has sought quashment of the First Information Report in Crime No.I-69/2011 dated 01.08.2011 registered with the Police Station Soyegaon, Taluka Soyegaon, District Aurangabad, for the offences punishable under Sections 420 and 181 of the Indian Penal Code r/w Section 11(2) of Maharashtra Act No.XXIII of 2001.

3. The FIR was lodged against the applicant only on the basis of invalidation order dated 30.07.2011 passed by the Scheduled Tribe Certificates Scrutiny Committee, Aurangabad, in Case No.JC/STCSC/ ABD/ SER/2/2008. This order passed by the Scrutiny Committee was subject matter of challenge in Writ Petition No.5986/2011 filed by the applicant, which was admitted by order dated 20.01.2012. This writ petition is heard and finally decided by this Court today and the order dated 30.07.2011 passed by the Scrutiny Committee is quashed and set aside and the Scrutiny Committee is directed to issue a validity certificate in favour of the applicant.

4. Subject matter of challenge in this application is the FIR which is lodged against the applicant only because of the order of invalidation dated 30.07.2011. The registration of the

offences punishable under Sections 420 and 181 of the Indian Penal Code r/w Section 11(2) of Maharashtra Act No.XXIII of 2001, is also based on observations of the Scrutiny Committee in the order of invalidation. Since the order of invalidation is quashed and set aside today in the petition filed by the applicant, the foundation of the FIR is shattered. As such, continuation of criminal proceedings based on the FIR is of no consequence. In view of the above discussion, the instant application needs to be allowed. Hence, the following order:-

(a) The Criminal Application is allowed.

(b) The First Information Report in Crime No.I-69/2011 dated 01.08.2011 registered with the Police Station Soyegaon, Taluka Soyegaon, District Aurangabad, for the offences punishable under Sections 420 and 181 of the Indian Penal Code r/w Section 11(2) of Maharashtra Act No.XXIII of 2001 and any further proceedings arising out of this FIR, are hereby quashed and set aside.

5. Rule is made absolute in the above terms.