



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION NO.694 OF 2024

Janardan Gulabrao Moon and anr.

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Ingole, Advocate for the applicants.
Shri Damle, Addl.P.P. for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 25/04/2024.

Heard.

2. This is an application seeking to quash the First Information Report bearing Crime No.261 of 2024 registered with the Sitabuldi Police Station, Nagpur City for the offence punishable under Sections 419, 505(2) read with Section 34 of the Indian Penal Code and Section 66(c) and 66 (d) of the Information Technology Act, 2000.

3. The informant is the Coordinator of an Association namely Rashtriya Swayamsevak Sangh (R.S.S.). It is his contention that on 23.03.2024, he learnt from social media that the applicants claiming to be associated with R.S.S. has about to take press-conference. Later on, he has received a YouTube link on What's App showing that on earlier day around 4.00 p.m. the applicants along with one Javed Pasha took a press-conference wherein conveys that R.S.S. is supporting the Congress political party.

4. The informant stated that the applicants have

applied to the Assistant Registrar of Societies Nagpur for registration of his Association as R.S.S. however it was rejected. The applicants raised the challenge to said rejection by way of Writ Petition which was dismissed as well as Special Leave Petition against the same was also dismissed. The informant stated that by way of personation, the applicant without any authority using the name of R.S.S. to create confusion among the people.

5. Learned Counsel for the applicants has not denied that the applicants were using the name of R.S.S. and its registration was rejected. It is also not denied that the applicants had the press conference in the name of R.S.S.. The only contention raised is that there is no prohibition by any Court of law against the applicants to use the name of R.S.S.

6. We are not inclined to accept the submissions as the applicant's registration was rejected up to the Supreme Court. The applicants have failed to adduce any justification to his act. R.S.S. co-ordinated by the informant is well within the knowledge of the applicants. Despite that what business he had with the same is not explained. The contention of the informant *prima facie* found substance that by use of similar name confusion is tried to be created by personation. Apparently, the ingredients to constitute the alleged offence are made out. Hence the application stands rejected.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)