



2025:DHC:9446



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: 27th October, 2025
Pronounced on: 29th October, 2025*

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CRL.M.C. 1979/2021 & CRL.M.A. 13374/2021

RAJINDER KUMAR

S/o Chander Bhan

R/o J-1/1 East Vinod Nagar

Delhi -110091

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Prashant,
Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.
Mr. Vijay, Mr. S.C. Kashyap, Ms.
Roopa Nagpal, Mr. Hemant Kumar,
Advocates for Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Petitioner, Rajinder Kumar, for setting aside of the Order dated 05.04.2021 passed by the Ld. ASJ, whereby the Order dated 29.01.2020 of the Ld. MM framing *Charges against the Petitioner under Sections 467 and 471 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC")*, in FIR No. 359/2014 dated 04.05.2014, was upheld.

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2. ***Briefly stated***, the Complainant, Jai Bhagwan, working as A.G.-II in BSES, filed a Criminal Complaint against the Petitioner, Rajinder Kumar, working as A.G.-III in BSES.
3. The Complainant has stated in the Complaint that he and the Petitioner were working in the same office and due to enmity, the Petitioner threatened him and falsely implicated him in another case under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (*hereinafter referred to as "SC/ST Act"*) in which summons were issued though they have been stayed by this Court.
4. The Complainant asserted that came to know from reliable sources that the Petitioner does not belong to the SC/ST community and that the Caste Certificate filed by the Petitioner in Court, is false and fabricated. The Complainant obtained certified copies of the SC/ST *Certificate bearing No. 3961/89 dated 13.12.1989*, and sought information under the Right to Information Act, 2005. The Reply received under RTI Act, states that the Certificate appeared to be fabricated, as it had not been registered. It is alleged that the Petitioner has used this Certificate as genuine and secured employment in DVB/DESU and BSES.
5. On these assertions, a Complaint was made against the Petitioner under Sections 468, 471, and 474 of the IPC, along with an Application under Section 156(3) against the Petitioner. On the directions of Ld. MM *vide* order dated 13.03.2014 under S.156(3) Cr.P.C., FIR No. 359/2014 dated 04.05.2014 was registered.
6. The Chargesheet was filed. The Ld. MM *vide* Order dated 29.01.2020 observed that the Caste Certificate of the Accused/Applicant, Rajinder Kumar, *prima facie* appeared to be forged and constituted "*valuable*



security” within the meaning of Section 30 of the IPC as it created a legal right in his favour. Accordingly, the Ld. MM held that *prima facie* offences under Sections 467/471 IPC were made out and directed framing of Charge under Sections 467 and 471 IPC against the Petitioner.

7. Aggrieved by the *Order on charge under Sections 467/471 IPC dated 29.01.2020*, the Petitioner preferred a Revision Petition before the Ld. ASJ which was dismissed *vide* Order dated 05.04.2021, by observing that as per the chargesheet, Caste Certificate No. 3961/89 dated 13.12.1989 the concerned authority, Zila Kalyan Shakha, Ranchi, gave the Report the said Certificate *prima facie* appeared to be false and forged.

8. Aggrieved by the Order dated 05.04.2021 of Ld. ASJ, the present Petition has been filed on the ***ground*** that the Ld. ASJ and Ld. MM passed their Orders without applying judicial mind and failed to consider the material on record.

9. It is submitted that the both the Courts failed to consider that the Complainant had solely relied on the Reply obtained under RTI in relation to the Caste Certificate of the Petitioner, which mentioned that the requisite pages of the official Register pertaining to Caste Certificate, are missing. The Reply further revealed that the dates and months in the Register are not mentioned and that the Register was in a damaged condition due to which photocopy of the Register was not possible.

10. It is further submitted that it has not been appreciated that the father of the Petitioner belongs to SC/ST Community, which necessarily means that the Petitioner also belongs to the Community.

11. The Complainant has filed this false case as a counter blast with the intent to take revenge against the Petitioner, as he has already filed a



separate Complaint against the Complainant.

12. It is submitted that a detailed Disciplinary Inquiry was conducted by the Department on the same allegation, and the Petitioner has been exonerated. This shows that the present FIR is false.

13. Reliance has been placed on the judgment of the Apex Court in Ashoo Surendranath Tewari v. CBI, (2020) 9 SCC 636, wherein it was observed that if the allegations in the adjudication proceedings as well as in the prosecution are identical, and the exoneration is on merits, then the trial of the person concerned, shall be an abuse of the process of the Court. Reliance is also placed on NCT of Delhi v. Ajay Kumar Tyagi, (2012) 9 SCC 685.

14. *Therefore, it is submitted that the present Petition be allowed and the Impugned order dated 05.04.2021 passed by the Ld. ASJ as well as the Order dated 29.01.2020 of the Ld. MM, be set aside.*

15. ***Status report has been filed on behalf of the Respondent/State***, wherein the brief facts leading to the registration of the present FIR have been detailed. It is submitted that during the investigation, the Caste Certificate of the accused, Rajender Kumar, was verified from the Office of the District Welfare Office, Ranchi, Jharkhand, and as per the report received, the same was found to be forged. A Chargesheet has been filed in the present case and charges under Sections 467 and 471 IPC have been framed against the accused/Applicant, on 09.12.2021.

16. ***Ld. Counsel for the Petitioner*** has argued on the same lines as the grounds raised in the present Petition.

17. ***Ld. Counsel for the Complainant*** has also argued in terms of the contentions stated in the Complaint. It is submitted that the order exonerating the Petitioner was not passed by the disciplinary authority on



merits, and therefore, the ground on which the present Petition has been filed is liable to be dismissed.

18. *Accordingly, it is prayed that the present Petition be dismissed.*

Submissions heard and record perused.

19. The present case, the allegation against the Petitioner is that he forged his own Caste Certificate No. 3961/89 dated 13.12.1989, which he allegedly used to obtain his present employment, as well as for filing a case against the Complainant under the SC/ST Act.

20. It is a settled principle of law that, at the stage of framing of charge, the Court is required to examine the material placed before it and form a *prima facie* opinion as to whether a case is made out against the accused. A detailed appreciation of evidence is not warranted at this stage.

21. It is also incumbent upon the Revisional Court as well as the High Court to follow the same principle while determining whether a *prima facie* case exists. Marshalling of the evidence is not permissible; rather, only a *prima facie* view is required.

22. In the present case, it is the case of the prosecution that during the investigation, the Complainant presented all the details and RTI replies received from the District Welfare Branch, Ranchi. During the investigation, Caste Certificate No. 3961/89 dated 13.12.1989 was verified by the District Welfare Branch, Ranchi, and a reply was received in this regard. The original report is reproduced as under:



राँची समाहरणालय, राँची
(कल्याण शाखा)

संख्या- १८१/१८९/२०२१
दिनांक- १२.१२.२०१९

प्रेषक,

जिला कल्याण पर्यवेक्षक
राँची।

संक्षेप में

शाना इन्धारी
छात्रा आचार्य, दुर्गो जिला
दिनांक- 11/00/2

विषय-

राजेश कुमार, पिता- श्री यशवान्त, ग्राम- गढ़ा टोली, थाना- लोखर बाजार, पोस्ट- कपडाटोली,
जिला- राँची से संबंधित आगजल की सूचना में।

सारांश-

उपरोक्त विषय के संक्षेप में उपरोक्त थाना के कर्मचारी एस० सी० अब्दुल रहमान को राजेश कुमार, पिता- श्री यशवान्त, ग्राम- गढ़ा टोली, थाना- लोखर बाजार, पोस्ट- कपडाटोली, जिला- राँची की सूचना में बताया है कि श्री राजेश कुमार को निर्गत जति प्रमाण पत्र से संबंधित जाँच प्रतिवेदन कल्याण विभाग को प्रेषित किया गया है जिसकी Attested प्रतिलिपि संलग्न है।

- जति प्रमाण पत्र निर्गत सभी का क्रमांक सं०- 3890 से 3951 तक एवं 4018 से 4031 तक पर पेज पर Attested प्रतिलिपि संलग्न है।
- गृह विभाग में दिनांक- 13.12.1989 को कोई भी जति प्रमाण पत्र निर्गत नहीं है। कुल गृह में दिनांक- 21.12.1989 को मात्र एक व्यक्ति को जति प्रमाण पत्र निर्गत है जिसका जति प्रमाण पत्र सं०- 9692 को सवाल कैंबेलेट्टा से नाम से निर्गत है। जिसकी Attested प्रतिलिपि संलग्न है।
- इंडिक सामान्य पत्र, टीडी एकादश, टीडी में प्रकाशित समाचार वर्ष 1989 में जति प्रमाण पत्र से संबंधित सभी के पृष्ठ 4 पेज जिनमें निर्गत जति प्रमाण पत्र संख्या 9692 से 4015 तक है" से संबंधित सूचना का प्रकाशन की Attested प्रतिलिपि।
- श्री राजेश कुमार का जति प्रमाण पत्र सं०- 3981/89, उक्त कटे हुए चार पेज के बीच में जमा है, परंतु निर्गत दिनांक 13.12.1989 से इसका मिलान नहीं होता है।
- श्री राजेश कुमार का जति प्रमाण पत्र सं०- 3981/89, दिनांक- 13.12.1989 को ग्राम दस्तावेज कर्ता प्रतीत होता है।

अनुलग्नक- संघोक्त।

सूचना- ३/१२/१९

विश्वसनीयता

जिला कल्याण पर्यवेक्षक
राँची।

23. From the perusal of the report, it shows that an attested photocopy of the Register of issued Caste Certificates covering pages 4016 to 4031 and serial numbers 3890 to 3951 has been enclosed. It is specifically noted that no Caste Certificate was issued on 13.12.1989, and that in the month of December 1989 only one caste certificate was issued, on 21.12.1989, bearing No. 9692 in the name of one Sajal Kerketta.



24. The report further records that four pages of the concerned register were torn and missing, which fact was also published in the Ranchi Express, Ranchi, in 1989, covering the range of caste certificate numbers 3952 to 4015. In this context, it is observed that the caste certificate No. 3961/89, allegedly issued to Shri Rajender Kumar, falls within the said range of missing pages, and moreover, the date of issuance, i.e. 13.12.1989, does not tally with the official record.

25. Accordingly, the report concludes that the Caste Certificate No. 3961/89 dated 13.12.1989 in the name of Shri Rajender Kumar appears *prima facie* to be fake.

26. Further, the reply received on the application of the Complainant from the Circle Officer, Ranchi, also states that in the photocopy of the certificate the light image of the office seal is not visible, and hence *prima facie* it is found to be forged.

27. Therefore, it cannot be ignored that there is enough material on record to form a *prima facie* opinion against the Accused.

28. **Another contention** raised on behalf of the Petitioner is that since the Department has exonerated him, the continuation of the present proceedings on the same set of facts would be illegal.

29. The only document in support of this assertion, is the Order dated 16.04.2019, which indicates that the Disciplinary proceedings under Rule 14 CCS (CCA) Rules, 1995, were initiated against Mr. Rajender Kumar, Assistant, Gr.III, E No. 40132996 (the Petitioner) *vide* Memorandum No. HR(BYPL)/DC-4/2013-14/47 dated 08.10.2013. The Petitioner had submitted the Written Statement of defence dated 19.12.2013 denying the Charges and a regular Department Enquiry was instituted against him *vide*



Order dated 16.01.2014. The Enquiry Officer submitted his Report dated 15.06.2015 holding the articles of Charge No. I and II as “*Not Established*”.

30. The Report of the Enquiry Officer, was accepted by the Department and the DE was directed to be closed. It was also indicated that the FIR No. 359/2014 (the present FIR) is still pending on the similar grounds in the Court.

31. The copy of the articles of Charge, has also been placed wherein *Article No. I* was whether the Petitioner was guilty of getting his appointment on ST Certificate, which was false and bogus. *The Article II* was pertaining to the Petitioner, had been guilty of disobeying administrative directions/instructions and he tried to escape from submitting the genuine Certificate and manipulated the situation by giving indirect Reply of the Letters of disobeying the administrative directions/instructions.

32. The Statement of imputation of misconduct in support of the Articles of Charge framed against the Petitioner, were also submitted along with the list of witnesses. However, neither the evidence nor the final outcome of the disciplinary proceedings, has been filed on record. On a specific query, it has been stated on behalf of the Petitioner that the detailed enquiry Report is not available with the Petitioner.

33. In the absence of the Departmental Enquiry, this Court cannot come to a conclusion whether the Disciplinary Enquiry, in which it has been held that the Articles of Charge, were not established, were in respect of the same allegations as in the Charge Sheet; also, what were the grounds and the evidence led, and considered for coming to this conclusion. There can be no conclusion that the Departmental Enquiry was also on the same grounds, on which the Charge-Sheet has been filed. For want of the copy of the final DE,



there can be no conclusion that the Petitioner stands exonerated on the same Charges in the Departmental Enquiry, the benefit of which can be given to the Petitioner.

34. It is also pointed out on behalf of the Respondent that the trial is almost at the end and the quashing at this stage, may not be in the interest of justice.

35. Considering that the copy of the detailed Departmental Enquiry is not available to conclude, it was in respect of the same allegations, and on what basis, the Petitioner was exonerated. Therefore, the Judgments in Ashoo Surendranath Tewari (supra) and Ajay Kumar Tyagi (Supra), are distinguishable from the facts of the present case.

36. It is held that the Petitioner is not entitled to the quashing of the FIR.

37. The aforesaid Petition is dismissed and disposed of accordingly with the observations that nothing stated herein tantamount to expression on the merits of the case.

38. The Ld. Trial Court is at liberty to proceed with the Trial in accordance with law.

39. Pending Applications, if any, also stand disposed of.

**NEENA BANSAL KRISHNA
(JUDGE)**

OCTOBER 29, 2025/R