IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CRIMINAL APPLICATION NO. 3271 OF 2024

Baburao Vitthal Chavan And Another
VERSUS
The State Of Maharashtra And Another

Mr. J. V. Patil, Advocate for Applicants
Mr. A. R. Kale, APP for Respondent No. 1/State
Mr. S. B. Kendre h/f Mr. S. S. Panale, Advocate for Respondent No. 2

CORAM : R.M. JOSHI, J
DATE : NOVEMBER 20, 2026

P. C. :

1. This Court has received the sealed envelop from Handwriting and Photography Bureau, CID Office, Police Bhavan, Sneh Nagar, Chhatrapati Sambhajinagar. In presence of learned Counsels for respective parties and learned APP, said envelop is opened. On opening, it is found that there is no report found and it is only letter stating that report is submitted to the Court. Learned APP has placed on record photocopy of the said report.

2. This application is filed for quashment of the FIR No. 47/2023 registered with Bhusawal City Police Station, Bhusawal under Sections 120-B, 417, 418, 419, 465, 466, 467, 468, 471 and 420 of the Indian Penal Code and Charge-sheet bearing no. 141/2023 filed in RCC No. 50/2024 pending before JMFC, Bhusawal and order dated 02.02.2025 taking cognizance.

3. First information report indicates that it is grievance of the informant that the present applicants and co-accused have created a forged document by impersonating the wife of the informant. There is allegation that on the basis of such fabrication of record, enquiry was initiated.

4. Learned counsel for the applicants submits that the first information report indicates occurrence of the offence from 03.12.1991 till 21.02.2019 and in spite of the said fact, report came to be lodged on 10.04.2023. According to him, the delay caused in lodging of the report by itself is sufficient to quash the proceedings. It is his further submission that though there is allegation in respect of fabrication of the record, the report of handwriting expert does not support the said allegations. In order to buttress his submissions, he drew attention of the Court to the statements recorded of the witnesses, more particularly, statement of Smt. Patil, which according to him, is recorded in May 2022. He further contends that the said witnesse though makes reference about inquiry, same is not forming part of the charge-sheet. He, therefore, seeks quashment of the proceedings.

5. Learned APP and learned counsel for the informant opposed the application. According to them, it is not open for this Court to assess the evidence on record and it is a matter to be considered by the trial Court.

6. Needless to say that High Court under Section 482 of the Code of Criminal Procedure should exercise powers sparingly and such powers

can be exercised only in case the principles laid down in case of ***State of Haryana and Others v. Ch. Bhajan Lal and Others, 1992 Supp (1) SCC 335*** are made out.

7. Here in this case, there are specific allegations with regard to the impersonation of the informant's wife as well as another witness. The said allegation is with regard to the incident of 21.02.2019 and the offence has been registered in the 2023. The prima facie perusal of the charge-sheet indicates that there is statement of Smt. Patil, who is circle officer, indicating the impersonation. It is a matter to be considered by the trial Court as to whether the statement recorded by this witness as claimed by the applicant belatedly and its evidentiary value. Needless to say that it is not open for the High Court to discard the evidence/statement in the charge-sheet. Since on the basis of the FIR and the supporting statement, offence is made out against the applicants, there is no other option left to the Applicants but to undergo the trial.

8. Insofar as the opinion of the handwriting expert is concerned, in any case, it is still an opinion, which cannot take place of the substantive evidence. The substantive evidence of the witness would be evaluated and ascertained by the trial Court in the overall facts of the case and this exercise is wholly impermissible at this stage. Moreover, it cannot be said that the criminal prosecution is mala fide or by way of vengeance etc.

9. In view of the aforesaid facts, this is not the case wherein the extraordinary powers of this Court under Section 482 can be exercised. In view of the this, application stands dismissed

(R. M. JOSHI, J.)

Malani