IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.562 OF 2025

1. Vijaykumar Bisanji Raurale,
Age – 42 Years,
Occupation : Assistant Teacher,
R/o. Moonlight Colony,
Bypass Karanja,
Taluka Karanja, Distrct Washim. **.... APPLICANT**

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Karanja Gramin (Rural),
Taluka Karanja, District Washim.

2. Kumari Kamlesh Digambar Dongare,
Age – 42 Years,
Occupation : In Charge headmistress,
R/o. Kohinoor Nagar, Manora Road,
Karanja, Taluka Karanja,
District Washim. **....NON-APPLICANTS**

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Mr. S. V. Sirpurkar, Advocate along with V. B. Bhise, Advocate for applicant.
Mr. A. M. Kadukar, APP for non-applicant No.1/State.
Mr. Pratik Jain, Advocate with Mr. M. R. Joharapurkar, Advocate for non-applicant No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2026

ORAL JUDGMENT :

1. Heard.

2. **Admit**.

3. Heard finally with the consent of the learned Counsel for the applicant, learned APP for the non-applicant No.1/State and learned counsel for the non-applicant No.2.

4. By this application, the applicant is seeking quashing of the First Information Report in connection with Crime No.170/2024 registered with Police Station Karanja Gramin (Rural) for the offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.62/2025 pending before the learned Judicial Magistrate First Class, Karanja.

5. The crime is registered on the basis of a report lodged by the non-applicant No.2, who is a headmistress and the present applicant is the Assistant Teacher working in the same school. It is alleged that she came to know from the bank statement as well as the record of the school that an amount of Rs.4,500/- has been withdrawn from the bank account by making her forged signature. The complainant herself went to the bank to verify the fact as to who has withdrawn the said amount from the bank account of the school and it revealed to her that it was the present applicant, who had withdrawn the said amount by forging her signature. On the basis of the said

report, police have registered the crime against the present applicant.

6. Heard learned counsel for the applicant, who submitted that the applicant and non-applicant No.2 both are working in the same school. The non-applicant No.2 is the headmistress, whereas the present applicant is the teacher. He invited my attention towards the CCTV footage panchnama which shows that on 20.09.2023 the applicant along with Branch Manager were seen in the CCTV footage withdrawing the amount. The complainant was along with applicant. Statement of Branch Manager shows specimen signature tallies with signature on withdrawal slip/cheque. He submitted that this aspect itself is sufficient to show that no *prima facie* case is made out against the present applicant and therefore, the application deserves to be allowed.

7. Per contra, learned APP for the State and learned counsel for the non-applicant No.2 strongly opposed the said contention and submitted that the statements of the witnesses as well as the document i.e. passbook entry shows that the present applicant has withdrawn the amount by forging the signature. Thus, considering the *prima facie* material, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire investigation papers, it reveals that as per the allegations in the FIR, the present applicant, who is serving as a teacher has forged the signature of the non-applicant No.2 and obtained the amount of Rs.4,500/-. During the investigation, the Investigating Officer has drawn the CCTV footage panchnama, wherein it is specifically mentioned that on perusal of the CCTV footage, it reveals that on 20.09.2023 present applicant along with Branch Manager were seen in the CCTV footage and it was also seen that they have withdrawn the amount. The statement of Branch Manager shows specimen signature tallies with signature of withdrawal slip. Thus, it reflects that both were present at the time of the withdrawal of the amount.

9. For the offence punishable under Section 467 of IPC the ingredients which are requires to constitute the offence punishable under this section are:

(i) commission of forgery;

(ii) that such commission of forgery must be in relation to a document purporting to be

(a) a valuable property; or

(b) a will; or

(c) an authority to adopt a son; or

(d) which purports to give authority to any person to make or transfer any valuable security; or

(e) the receive the principle, interest or dividends thereon; or

> *(f) to receive or deliver any money, movable property or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or*
>
> *(g) an acquittance or receipt for the delivery of any movable property or valuable security.*

10. For offence punishable under Section 468 of IPC, the ingredients are:

> (i) Commission of forgery,
>
> (ii) that he did so intending that the document or electronic record forged shall be used for the purpose of cheating.

11. After going through the entire investigation papers and especially the CCTV footage panchnama, the presence of the non-applicant No.2 is also seen in the CCTV footage, which is sufficient to show that no *prima facie* case is made out against the present applicant and the implication of the present applicant is merely on suspicion. In addition to that, the letter of the Manager of the bank also shows that on examination of the CCTV footage, it reveals that the headmistress was also along with the present applicant at the time of withdrawal of the amount and he further certifies that the signature which is on the withdrawal slip is matching with the specimen signature which is obtained by the bank.

12. By applying the parameters laid down by the Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others** reported in **1992 Supp. (1) SCC 335,** which reads as under:

> "*(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
>
> *(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
>
> *(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
>
> *(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
>
> *(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or*

where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

13. In the light of the fact that there is a letter of the Manager stating that the present non-applicant No.2 was also present when the applicant had been to the bank to withdraw the amount as well as the signature of the non-applicant No.2 matches with the signature on the withdrawal slip, no *prima facie* case is made out. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.170/2024 registered with Police Station Karanja Gramin (Rural), District Washim for the offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.62/2025 pending before the learned Judicial Magistrate First Class, Karanja, are hereby quashed and set aside to the extent of the present applicant.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)

Sarkate.