

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

C.R.M.M.O.No. 121 of 2015

Date of decision: 07.08.2015

Durga Ram

Petitioner

Versus

State of H.P. and others

Respondents

Coram :

The Hon'ble Mr. Justice Tarlok Singh Chauhan, J.

Whether approved for reporting ? No¹

For the Petitioner : Mr. Ashok Kumar Thakur, Advocate.

For the Respondents: Mr. V.K. Verma and Ms. Meenakshi Sharma, Additional Advocate Generals.

Tarlok Singh Chauhan, J. (Oral)

This petition under Section 482 of the Criminal Procedure Code has been preferred by the petitioner for quashing of FIR No. 13 of 2015, dated 30th January, 2015, registered at Police Station Bharari, District Bilaspur, under Sections 420/467/468/471 of the Indian Penal Code.

2. The allegations, as set out in the FIR, are that the petitioner submitted a fake certificate of age proof and educational qualifications for getting regular employment

¹ Whether reporters of Local Newspaper are allowed to see the judgment ? Yes

in HPSEB Ltd. under Electrical Division, HPSEB Ltd. Ghumarwin during May, 1985. It is contended by the petitioner that the case registered against him is totally false, that too at the instance of one Bhuvnesh Gupta, who was Naib Tehsildar at the relevant time and is inimical towards him as the petitioner was complainant in a Corruption Case No. 2 of 2010, where the said Bhuvnesh Gupta was the prime accused. It is also contended that at the time of regular appointment, the petitioner had submitted his biodata alongwith the certificates which were absolutely genuine.

3. Respondents have filed the reply wherein it has been alleged that during investigation, the relevant record pertaining to the case has been obtained from the department. In one of the certificates, the date of birth of the accused is mentioned as 06.04.1955, whereas in another school leaving certificate issued by the Government Senior Secondary School, Dadhol, the date of birth is 02.01.1952. It is further alleged that authenticity of these certificates is yet to be verified from the Himachal Board of School Education.

4. In this background, the question arises as to whether the petitioner can seek quashing of the FIR when the matter is still pending investigation and there is prima facie material to connect the accused with the commission of the offence because it has come on record that certificate(s), in which roll number of the petitioner is reflected as 112311 in fact had been issued to one Sunder Ram, son of Achru Ram, who was a regular student at Government Middle School, Dadhol.

5. Section 482 of the Criminal Procedure Code empowers this Court to exercise its inherent power to prevent abuse of process of Court and to quash the proceedings, but such powers can be exercised only in cases where the FIR does not disclose any offence or is vexatious or oppressive. The instant case does not fall in either of the categories.

6. In view of the aforesaid discussion, there is no merit in this petition and the same is accordingly dismissed.

7th August, 2015(K)

(Tarlok Singh Chauhan),
Judge