

## IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.(S) 1065 OF 2017  
[Arising out of Special Leave Petition  
(Criminal) No.7066 of 2013]

STATE OF MADHYA PRADESH ...APPELLANT(S)

VERSUS

MAHESH CHANDRAWANSHI ...RESPONDENT(S)

## ORDER

1. Leave granted.
2. The High Court of Madhya Pradesh has quashed the First Information Report (Crime No.642/2012) registered at Police Station Padav, District Gwalior, M.P. against the respondent - accused under Sections 420 and 467 of the Indian Penal Code, 1860 ("IPC" for short)
3. A reading of the First Information Report (FIR) which is on record would go to show that the gravamen of the allegations against the respondent is that though the Board of Secondary Education, Madhya

Bharat, Gwalior ("Board" for short) of which the respondent is the Chairman claims to be recognized by the Government of India and have printed the said fact in the letter-head of the Board, on inspection and verification no document in this regard has been found. The further allegations is that in the course of such verification only the receipt of an application for registration of copyright title "Board of Secondary Education, Madhya Bharat, Gwalior" has been found and no valid document regarding recognition is available. The FIR further recites that the matter was enquired into by the Enquiry Committee and upon such enquiry it is the unanimous opinion of the Enquiry Committee that the "administration activity" of the Board *prima facie* appears to be doubtful and that there is no document showing valid recognition of the Board though the Board

which is running a large number of schools (around 400) in different states of the country. It is in these facts that the respondent as the Chairman of the Board had approached the High Court for quashing of the said proceedings. The High Court by the impugned order had thought it fit and proper to quash the proceedings by referring to different communications issued by certain Universities located in different parts of the country to the effect that the Board in question is affiliated to the said Universities and that it is also recognized by some Public Service Commissions.

4. We do not see how relying on the said communications and materials the High Court could have quashed the impugned FIR, particularly, when the matter was at the stage of investigation into the allegations of a false claim of recognition of the

Board by the Government of India. It is our considered view that having regard to the allegations the investigation should have been allowed to continue and the defence, if any, of the accused ought not to have entered at this stage of the proceedings. The High Court, therefore, was clearly in error in quashing the impugned FIR. Accordingly, we set aside the order of the High Court and direct that the investigation of the impugned FIR shall recommence from the stage where it was interdicted by the impugned order.

5. The appeal consequently is allowed in the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(NAVIN SINHA)

NEW DELHI  
JULY 07, 2017

ITEM NO.41

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 7066/2013  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 26-11-2012  
IN MCRC NO. 8303/2012 PASSED BY THE HIGH COURT OF M.P AT GWALIOR)

THE STATE OF MADHYA PRADESH

PETITIONER(S)

VERSUS

MAHESH CHANDRAWANSHI

RESPONDENT(S)

Date : 07-07-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Ms. Bansuri Swaraj, Adv.  
Mr. C. D. Singh, AOR

For Respondent(s) Mr. Ashok Kumar Sharma, AOR  
Mr. Samir Vaidya, Adv.

Mr. Shailendra Bhardwaj, AOR  
Mrs. Aroma S. Bhardwaj, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed  
order.

(VINOD LAKHINA)  
AR-cum-PS

(ASHA SONI)  
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]