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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SMT. JUSTICE ANURADHA SHUKLA
ON THE 12th OF MARCH, 2024**

MISC. CRIMINAL CASE No. 31910 of 2023

BETWEEN:-

**ROHIT KUMAR MISHRA S/O SHRI GIRISH KUMAR
MIHSRA, AGED ABOUT 29 YEARS OCCUPATION:
ADVOCATE**

.....APPLICANT

(BY SHRI ANUVAAD SHRIVASTAVA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION G.R.P. (GOVERNMENT RAILWAY
POLICE) BHOPAL DISTRICT BHOPAL (MADHYA
PRADESH)**
- 2. S. K. KHARE DEPUTY STATION MANAGER
(COMMERCIAL) R/O D.Y.S.S. RAILWAY STATION
BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

***(RESPONDENT NO.1-STATE BY SMT. VINEETA SHARMA - PANEL
LAWYER - AND NONE FOR RESPONDENT NO.2)***

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Reserved on : 07.03.2024

Pronounced on: 12.03.2024

*This application having been heard and reserved for orders, coming on
for pronouncement this day, the court passed the following:*

ORDER

In this petition, filed under Section 482 of Cr.P.C., the applicant has prayed for quashment of FIR registered against him at Crime No.191/2021 in Police Station, GRP, Bhopal, for the offence of Sections 170, 171 and 419 of

IPC.

2. Admittedly, a charge-sheet has been filed against the applicant in that crime number for the offence of Sections 467, 468, 471, 170, 171 and 419 of IPC.

3. Brief facts of the case are that the incident is of 22.6.2021 and on that date Akhilesh Kumar Khare was posted as Deputy Station Superintendent at Bhopal railway station; T.C. Mubeen Khan also posted at railway station Bhopal brought a person wearing an uniform similar to that of T.T.E. and told the Deputy Station Superintendent that this person was claiming himself to be T.T.E. and was taking money from the passengers about which the passengers made complaints at Platform No.2; it was found that the man impersonating as T.T.E. was having an EFT/HCR Book bearing numbers from 667962-667999; Akhilesh Kumar Khare asked him to produce the documents of his identity as T.T.E. but he was possessing none; on enquiry, he revealed himself to be Rohit Kumar Mishra, son of Girish Kumar Mishra, resident of district Kaushambhi (U.P.); in this backdrop, Akhilesh Kumar Khare prepared a memo and took the impersonating man to the police station of GRP, Bhopal; at his behest, FIR was registered against that person who is the applicant herein; now a charge-sheet has also been filed against the applicant.

4. It is claimed by the applicant in the present petition that he has been falsely implicated in the case; he was not using any EFT Book; the alleged EFT Book seized from him was simply a copy of money receipt book; there was no evidence collected regarding the money received from any of the passengers nor the statements of any passenger was recorded; further, there was no complaint on record made by any passenger; the alleged money received from

any passenger was also not recovered from the applicant nor even any token was recovered from the applicant; the incident was of 21.6.2021 while the FIR was registered on 23.6.2021, which shows that the applicant was kept in unlawful detention for more than 24 hours. It has also been claimed that due to Covid pandemic, the applicant had lost his mental balance; being an advocate, he was wearing only a black coat without having any specific symbol of the uniform of T.T.E. and on the basis of false impression, he was implicated in this case. Therefore, prayer is made for quashing the FIR.

5. State has opposed the present petition by claiming that the petition is devoid of any merit and, therefore, it should be dismissed.

6. Both the parties have been heard and the record produced by applicant has been examined.

7. The facts pleaded in the petition have been examined meticulously against the backdrop of record filed by the applicant. The applicant is claiming innocence on the basis of report given by North-Central Railway dated 3.1.2022 in which it has been observed that the book seized from the applicant was not an EFT (Excess Fare Ticket) Book but was merely a copy of simple money receipt book. But the seizure memo reveals that the book was having a seal of railway mentioning Prayagraj Checking Unit (NCR). Thus, even if the receipt book seized from the applicant was not EFT Book but it was a money receipt book clearly creating an impression that it belonged to the checking unit of North-Central Railway of the region of Prayagraj.

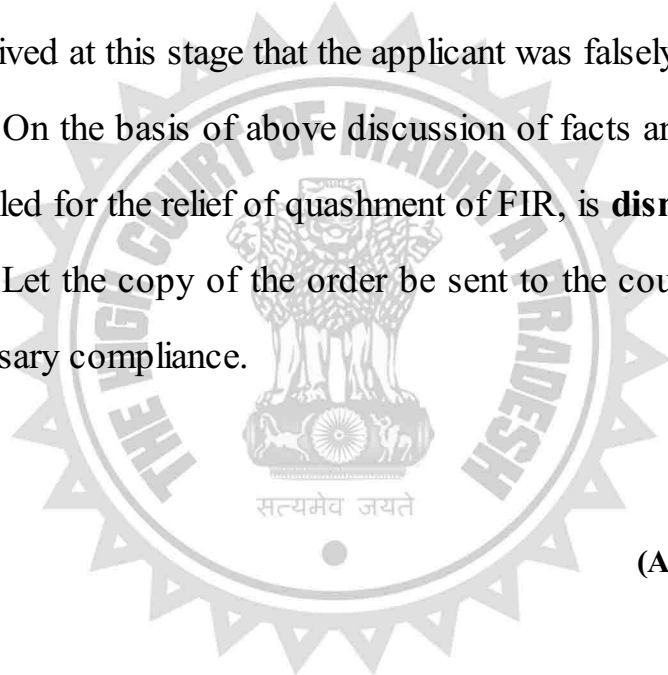
8. It has been claimed by the applicant that he had lost his mental balance and was present at the Bhopal railway station in his black coat as he was an Advocate but here the prosecution has relied upon some CCTV footage, regarding which a Panchnama was prepared by GRP and that is submitted

along with the charge-sheet. This Panchnama reveals that in the CCTV footage, the applicant may be seen asking the passengers about their tickets.

9. It has been vehemently argued here that no money was recovered from the applicant nor he was having any badge, etc. on his attire to give the impression that he was an employee of railways nor the statements of any of the passengers were recorded but all these issues are related to facts and can be examined only during trial. It is for the trial court to examine whether the prosecution is able to prove its case on the basis of statements of railway employees. Merely for the absence of statements of passengers, no conclusion can be arrived at this stage that the applicant was falsely implicated in the case.

10. On the basis of above discussion of facts and the circumstances this petition, filed for the relief of quashment of FIR, is **dismissed**.

11. Let the copy of the order be sent to the court below for information and necessary compliance.



(ANURADHA SHUKLA)
JUDGE

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