

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) NO.5495 of 2011

MANOJ GOYAL, CHIEF EXECUTIVE	PETITIONER(S)	
M/S. R.S. STEEL WORKS			
VERSUS			
STATE OF U.P. & ANR.	RESPONDENT(S)	

O R D E R

We do not find any infirmity or fault with the order of the High Court refusing to quash the order dated 10.8.2010 passed by the Special Chief Judicial Magistrate, CBI, Ghaziabad on the discharge application as the allegation against the petitioner is regarding forgery and fabrication of documents for proving payment under Sections 467, 468 and 471 of the Indian Penal Code which are not compoundable.

However, Mr. Ranjit Kumar, learned senior counsel appearing for the petitioner, submitted that the offence which is sought to be made out in view of the contents of the complaint, was a subject matter, to be dealt with under the Employees State Insurance Act and, therefore, the provisions under the Code of Criminal Procedure should not be allowed to govern this case so as to proceed with the complaint.

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However, we have reservation in accepting the contention in view of the nature of the complaint wherein it is stated that the complainant found the signature of his son Pramod Kumar Saxena on the declaration to be bogus, forged and fabricated.

As the alleged offence relates to forgery and fabrication of documents which was registered under Sections 467, 468, 471 and 420 of the Indian Penal Code, which are not compoundable, we fail to understand under what authority of law this should be held to be offence under the Employees State Insurance Act alone merely on account of the fact that the payment has been made to the respondent towards the Employees State Insurance dues specially when the petitioner had failed to prove the documents which they had earlier relied for proving the payment but has been alleged to be forged and fabricated in the complaint.

The special leave petition is, therefore, dismissed.

Since the special leave petition is dismissed, the order of stay granted by this Court dated 5.8.2011 shall stand vacated.

