

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 676 of 2025

Reserved on: 12.05.2026

Date of Decision 08 .07.2026

Ashish Sharma

...Petitioner

Versus

Madhu Bahl & Team & another.

...Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting? No.

For the petitioner : In person.

**For the respondent : Mr Tarun Pathak, Deputy Advocate
No.2 General.**

Rakesh Kainthla, Judge

The petitioner has filed the present petition for setting aside the order dated 27.05.2025, passed by learned Additional Sessions Judge (Forest), Shimla, District Shimla, H.P. (learned revisional Court) vide which the order dated 07.02.2024, passed by learned Additional Chief Judicial Magistrate, Court No. III, Shimla, District Shimla, H.P. (learned Trial Court) was upheld. (*The parties shall hereinafter*

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes.*

be referred to in the same manner as they were arrayed before the learned trial Court for convenience).

2. Briefly stated, the facts giving rise to the present petition are that the complainant filed a complaint under Section 156 (3) of the Code of Criminal Procedure (Cr.P.C) for the registration of the F.I.R for the commission of offences punishable under Sections 379, 406, 420, 468, 471 and 120B read with Section 34 of the IPC. It was asserted that the accused was working as a manager. She personated herself as the Delhi, had not intimated the complainant regarding her appointment. The accused holds the post of the Manager and has her own official letter pad. She should have issued the memorandum on her official letter pad instead of the school letterhead. The accused is not authorised to use the school letter pad. The use of the school letter pad by her shows that the accused has committed the theft of the letter pad. She created the false document by misusing the letter pad; therefore, it was prayed that an action be taken against the accused.

3. The learned Trial Court held that the higher authorities of the school had not taken any action against the

accused for personating as a disciplinary authority. The theft could not be inferred because the letterhead of the school was used. There was no case for taking action against the accused; hence, the complaint was dismissed.

4. Being aggrieved by the order passed by the learned Trial Court, the complainant filed a revision, which was decided by the learned Sessions Judge (Forest), District Shimla, H.P. (learned revisional Court). The learned revisional Court held that the complainant was removed from service after holding a proper inquiry. He had reported the matter to the higher authority via e-mail, but no action was taken, which shows that there was no misuse of the letterhead pad of Dayanand Public School, The Mall, Shimla, H.P. The matter pertained to Dayanand Public School, The Mall, Shimla, H.P., and there was no illegality in the use of the letter pad by the disciplinary authority. There is no infirmity in the order passed by the learned Trial Court, hence the revision was dismissed.

5. Being aggrieved by the orders passed by the learned Courts below, the complainant has filed the present petition, asserting that the accused had stolen the letter pad

of Dayanand Public School, The Mall, Shimla, H.P. and an F.I.R. was required to be registered to prevent the misuse of the school letter pad. Learned Courts below failed to properly appreciate the material placed before them; therefore, it was prayed that the present petition be allowed and the orders passed by the learned Courts below be set aside.

6. I have heard the petitioner, who appeared in person, and Mr Tarun Pathak, learned Deputy Advocate General, for respondent No.2/State.

7. The petitioner submitted that the letter pad remained in the custody of the Principal, and the accused could not have used it. The fact that the accused had used the letter pad shows that she had committed the theft; therefore, he prayed that the present petition be allowed and the orders passed by the learned Courts below be set aside.

8. Mr Tarun Pathak, learned Deputy Advocate General, did not make any submission.

9. I have given a considerable thought to the submissions made by the petitioner, and have gone through the records carefully.

10. The complaint filed by the complainant/petitioner proceeds on the basis that only the Principal of the Dayanand Public School could have used the letter pad of the school and not any other person. No/regulation/circular/provisions of law were brought to the notice of this Court or on record, which prohibit a person from using the letterhead pad of the school. The letterhead pad shows that a memorandum was issued to the complainant for holding an inquiry containing the statement of imputation and the article of charges. The complainant had also made a complaint to higher authorities, complaining of theft and misuse of the school letterhead. However, it is not shown that any action was taken by the higher authorities. This shows that the accused had used the letterhead pad with the consent of the higher authorities. The school authorities, Dayanand Public School, The Mall, Shimla, H.P., have also not made any complaint that the letterhead pad was stolen by the accused and was misused by her. It is not the case of the complainant that he was in possession of the letterhead pad, and it was taken out of his custody. In the absence of the complaint by the person in

whose custody the letterhead pad was, and in the absence of any action taken by the higher authorities, the plea of the complainant that the letterhead pad was stolen was rightly rejected by the learned Courts below, and there is no infirmity in the orders passed by the learned Courts below.

11. No other point was urged.

12. This is not the first instance when the petitioner has approached the Courts by filing these kinds of petitions. Therefore, it is necessary to take effective steps to prevent the petitioner from wasting the precious time of the Courts; hence, the present petition is dismissed with the cost of ₹10,000/-, which shall be deposited in the Chief Justice Disaster Relief Fund within a period of four weeks, failing which steps will be taken to recover it as per the law.

13. Before parting, it is necessary to notice that the complainant had asserted in para-8 of the memorandum before this Court that the act of learned ADSJ and ACJM is a sign of corruption, which needed to be investigated properly. An allegation of corruption against a judicial officer without foundation made recklessly, *prima facie*, amounts to Criminal Contempt of Court as it is an attempt to scandalise

the judiciary¹. Hence, the matter be placed before the appropriate bench having a roster for taking proper action, if deemed proper, for making reckless and scandalous allegations against the members of the judiciary.

14. The present petition stands disposed of in the aforesaid terms, so also the pending applications, if any.

15. The observations made herein before shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

08th July, 2026.
(ravinder)

¹ Court on its Own Motion v. Virendra Singh, 2024 SCC OnLine Del 145