THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7558 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/A2 in Crime No.212 of 2015 of Ongole I Town Police Station, registered for the offences punishable under Sections 465, 466, 471 IPC and Section 6 read with 8 of A.P. Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner is A2 and the second respondent is the *de facto* complainant in Crime No.212 of 2015. As per the allegations made in the complaint, the petitioner along with others created fake marks lists of Intermediate Board as if such marks lists' holders got state ranks. It is further alleged that the petitioner and others indulged in malpractice in the public examinations. Whether the petitioners have created fake marks lists or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose V State of Gurajat and Teeja Devi v. State of Rajasthan**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. In view of the orders passed by this Court on 20.8.2015, the Station House Officer, Ongole I Town Police Station is hereby directed not to arrest the petitioner/A2 till completion of the investigation.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

November 27, 2015.

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