

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4248 of 2011

ORDER:

This criminal petition is filed by the petitioner seeking for quash of the proceedings in Cr.No.65 of 2009 dated 26.10.2009 on the file of the Brahmasamudram Police Station, Ananthapur District.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, who takes notice for respondents.

3. The facts of the case, briefly, so far as are necessary for disposing of this petition are that there was an order of the Joint Collector dated 19.01.2009 setting aside the order of the Revenue Divisional Officer, Dharmavaram dated 10.11.2008 and recommending action against the petitioner under Section 420 of the Indian Penal Code, considering that the petitioner has produced forged physically handicap certificate, for getting fair price shop dealership. As against the said order of the Joint Collector, a revision was preferred before the District Collector, who though it fit to refer the petitioner to another medical board to ascertain the facts and decide the eligibility after that. This Court in WP.No.6312 of 2009 dated 05.11.2009 stayed the initiation of criminal proceedings against the petitioner, pending considering of the revision filed against the order of the Joint Collector. By virtue of the said order, initiating criminal proceedings would be contemptuous. When the issue of forgery is not concluded and the finding of the Joint Collector is taken in revision and when the Collector's order does not endorse the finding of the Joint Collector,

criminal proceedings, following the order of the Joint Collector, cannot be permitted to proceed.

4. Hence, in such circumstances, the present complaint seems to be premature and no further proceedings can be allowed in this case.

With the above observation, the criminal petition is allowed and all further proceedings in Cr.No.65 of 2009 are hereby quashed. However, if the certificate is proved to be forged, prosecution afresh can be launched against the petitioner. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 8, 2017
DSK

T. RAJANI, J

