

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1585 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the First Information Report in Crime No.459 of 2016 of Town-I Police Station, Nizamabad.

2. The petitioner alleged to have committed the offences punishable under Sections 420 and 417 of the Indian Penal Code, 1860 (IPC).

3. Sri K.R.K. Gargeya, learned counsel for the petitioner, would submit that, in fact, when the petitioner was travelling in a bus to reach Karimnagar, Government Hospital on 02.11.2016, as the CD4 Test Count Machine was not functioning at the *de facto* complainant's hospital, he lost the samples which he was supposed to get tested in Karimnagar Government Hospital, as such, again he collected the samples on the concerned persons and also got the tests done on 04.11.2016 and submitted the report on the very same day.

4. Learned counsel drawn the attention to the complaint averments. But, in fact, in the complaint what has been stated by the 2nd respondent-*de facto* complainant has been that on 03.11.2016, the petitioner said to have brought the reports from the Karimnagar Government Hospital and even entered into register about the said reports and handed over to the Medical Officer concerned. But, it came to light, the petitioner in fact did not go to Karimnagar Hospital

on the previous day and even the CD4 count reports were all wrong reports and as per the instructions of the Deputy Director, the said CD4 count reports sent to the State Aid Control. Thus, it shows, there are prima facie allegations against the petitioner as to the commission of the offence alleged.

5. The submissions made by the learned counsel that the Medical Officer and the other staff have got inimical towards the petitioner and got him falsely implicated, can only be examined either during investigation or later during trial. In a quash petition, such a submission cannot be taken into consideration when the complaint, read as a whole, would show the allegations in the direction of prima facie showing the complicity of the petitioner.

6. Accordingly, the criminal petition is dismissed at the admission stage itself.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

March 1, 2017.

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