

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.219 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings in Crime No.301 of 2016 on the file of the Nellore V Town Police Station, SPSR Nellore District, registered for the offences under Sections 420, 467, 468, 471 of I.P.C.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that the petitioner has shifted to some other college and pursuing her MBBS course. The cause in the crime does not survive for adjudication. The allegation that the petitioner/accused filed false Study Certificate is absolutely false. There are no grounds to continue the investigation and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the Criminal Petition.

5. As per the material placed on record, the petitioner/accused filed bogus Study Certificate for the classes VI to IX and obtained admission in MBBS course for the academic year 2015-16. The principal of the college had got enquired the

genuineness or otherwise of the Study Certificate submitted by the petitioner/accused. After due enquiry by the District Education Officer, Nellore, it was found that the Study Certificate filed by the petitioner/accused is fabricated and false. On a report lodged by the Principal of ACSR Government Medical College, Nellore, this case is registered as Crime No.266 of 2016 and is under investigation.

6. There is enquiry by the District Education Officer, Nellore, with regard to the genuineness or otherwise of the Study Certificate said to have filed by the petitioner/accused. Merely because the petitioner/accused left ACSR Government Medical College, Nellore, and studying somewhere else, cannot be a ground to quash the criminal proceedings against her. Further, it cannot be held, as contended by the learned counsel for the petitioner, that the cause in the crime does not survive. The truth or otherwise of the allegations are required to be investigated. There is justification in registering the First Information Report and proceeding with the investigation. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. Hence, the Criminal Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

07th February, 2018
Bvv

Dr. SHAMEEM AKTHER, J