

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.793 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2, seeking to quash the proceedings in C.C.No.246 of 2013 on the file of the Additional Judicial First Class Magistrate, Karimnagar, registered for the offences punishable under Sections 419, 193, 420, 465 read with 109 of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.2, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.2 would submit that the petitioner/accused No.2 has not tried to impersonate any person in S.C.No.387 of 2011 on the file of the Assistant Sessions Judge, Karimnagar. She has nothing to do with the allegations made in the First Information Report as well as the charge-sheet and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought for by the petitioner/accused No.2.

5. The material on record reveals that on 28.09.2011, the petitioner/accused No.2 took the juvenile delinquent to the Court in an auto, as per the direction of accused No.1. When the Court staff called the name of the Neha Samrin, the juvenile delinquent disclosed her identity as Neha Samrin/complainant, as tutored by

accused Nos.1 and 2, and deposed in that connection. Accused No.1 and the petitioner/accused No.2, knowing that the original victim is alive, with a *mala fide* intention to get rid of the criminal proceedings pending against the accused No.1, produced the juvenile delinquent instead of the original de-facto complainant/victim, namely, Neha Samrin and thus, cheated the Court. Further, there is also record to show that the petitioner/accused No.2, along with accused No.1, assured the juvenile delinquent that nothing would happen to her if she agrees to depose on behalf of the original victim in S.C.No.387 of 2011 on the file of the Assistant Sessions Judge, Karimnagar and that her school fee would be exempted. There are specific allegations against the petitioner/accused No.2 which constitute offence under Sections 419, 193, 420, 465 read with 109 of I.P.C. Continuation of criminal proceedings will not amount to abuse of process of law. The innocence or otherwise of the petitioner/accused No.2 can only be determined after due trial. The gravity of the offence alleged is also high. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

---

Dr. Shameem Akther, J

31<sup>st</sup> January, 2018  
Bvv