

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.551 OF 2017

ORDER:

This petition is filed by the petitioners-A.1 and A.2 under Section 482 Cr.P.C. seeking to quash the proceedings in crime No.3 of 2016 of Bapatla Town police station, Guntur District registered for the offences punishable under Sections 465, 468, 471 and 420 IPC.

2. Heard the learned counsel for the petitioners, Sri Posani Venkateswarlu, the learned Public Prosecutor for the State of Andhra Pradesh representing the respondent-State, and perused the record.

3. Learned counsel for the petitioners would submit that the petitioner-A.1 is working as Additional Assistant Engineer in A.P. GENCO (Dr. NTPS, Ibrahimpatnam, Vijayawada), and Sri Yedukondalu and Smt.Savitramma are his parents; that his parents hail from Kavali railway station area of Nellore district; that the petitioners-A.1 and A.2 are Yanadi by caste (Scheduled Caste community); that number of documents and records would substantiate the same; that on false allegations, the impugned crime is registered and is under investigation, and even if the allegations made in the First Information Report are accepted as true and correct, no *prima facie* case for the offences alleged is made out, and hence, continuation of the impugned proceedings is nothing but abuse of process of Court, and ultimately, prays to allow the Criminal Petition.

4. On the other hand, Sri Posani Venkateswarlu, the learned Public Prosecutor for the State of Andhra Pradesh would contend that the petitioner-A.1 is native of

Immadisettivari Palem, Bapatla Town, and his original name is 'Imadabathuni Veeranjanyulu' and his father's name is 'Venkata Kotaiah'; that petitioner-A.1 belongs to forward caste i.e. Telaga; that he changed his name from Imadabathuni Veeranjanyulu to Katti David Raju and obtained employment under scheduled caste reservation category; that A.2 also belongs to forward caste i.e. Telaga; that both the accused also obtained scheduled caste certificates for their children; that there are so many documents to show the same; that the allegations made in the First Information Report constitute the offences punishable under Sections 465, 468, 471 and 420 IPC and there are no grounds to quash the impugned proceedings, and ultimately, prayed to dismiss the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in crime No. 3 of 2016 of Bapatla Town police station, Guntur District are liable to be quashed ?

6. As per the material placed on record, petitioner-A.1 is native of Immadisettivari Palem, Bapatla Town. He is working as Additional Assistant Engineer in A.P. GENCO (Dr. NTPS), Ibrahimpatnam, Krishna District. He obtained scheduled caste certificate showing that he belongs to Yanadi by caste and obtained employment under Scheduled Caste reservation category. Correct name of the petitioner-A.1 is said to be Imadabathuni Veeranjanyulu and his parents are Sri Yedukondalu and Smt.Savitramma, and both of them belong to Telaga caste which is a forward caste. As per the allegations in the First Information Report, both the accused, by misrepresenting the facts, obtained false Scheduled Caste certificates in favour of their children also. It is further alleged that school

records of petitioner-A.1 show that he belongs to forward caste (Telaga caste) and his parents are Sri Yedukondalu and Smt.Savitramma. In the document executed by father of A.2 Peta Subba Rao on 26.04.2005 in respect of land admeasuring Ac.1.27 cents in survey No.157/3 of Manchala village and also in Amended document dated 27.07.2007, name of petitioner-A.2 is mentioned as 'Immadabathuni Annapurna'. Her photograph is affixed to the Amended document and petitioner-A.1 is a witness to the said document. As per the allegations, A.2, who is daughter of Peta Subba Rao, belongs to Telaga caste. Details of brothers and sisters of petitioner-A.1 are given in the First Information Report. As per the record, petitioner-A.1 said to have filed a private complaint before the II Additional Munsif Magistrate, Bapatla, wherein he had shown his name as 'Immadabathuni Veeranjanyulu'. The said complaint was lodged against one G.Subba Rao, G.Siva Subba Rao and others.

7. There are so many allegations and record to register the First Information Report for the offences punishable under Sections 465, 468, 471 and 420 IPC and to proceed with investigation. Therefore, it cannot be said that there are no grounds to register the impugned crime and proceed with the investigation. When a *prima facie* cognizable offence is made out, it is the statutory duty of police to conduct investigation, and the same cannot be curtailed invoking the jurisdiction of this Court under Section 482 Cr.P.C. The contentions raised on behalf of the petitioners-A.1 and A.2 do not merit consideration to quash the impugned proceedings. The Criminal Petition is devoid of merit and is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.

Miscellaneous Petitions pending, if any, in this Criminal Petition shall stand closed.

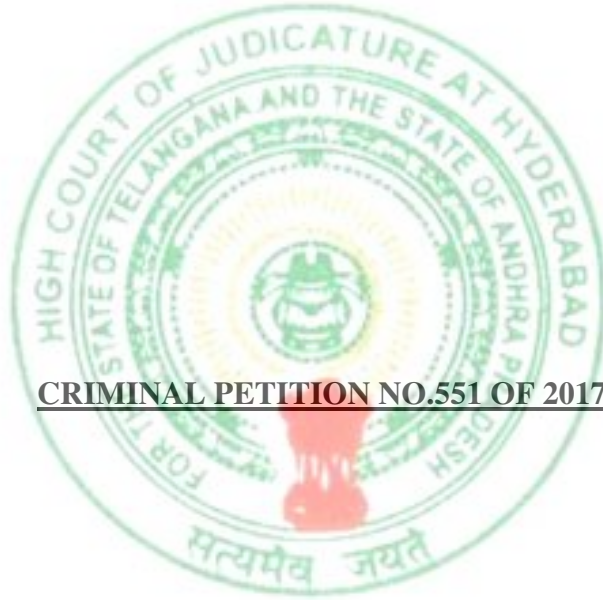
DR.SHAMEEM AKTHER, J

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