

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7642 of 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.284 of 2016 on the file of the learned Special Judicial Magistrate of First Class, Mobile Court, Nizamabad, against the petitioners-accused Nos.1 and 2.

2. Heard learned counsel for the petitioners-accused Nos.1 and 2 and learned Public Prosecutor and perused the record.

3. The learned counsel for the petitioners-accused Nos.1 and 2 would submit that respondent No.2 – Head Constable, who was conducting enquiry with regard to issue of passport proceedings bearing No.HY 406802238 of one Ubedulla, lodged a report with the Police alleging that the petitioners, who are running a mee-seva centre at Malapally Bodhan Road, are responsible for issue of false certificates viz, (1) the date of birth certificate and (2) the proceedings of the Revenue Divisional Officer (R.D.O.) filed along with the application for passport and that charge sheet is filed against them. The learned counsel would further submit that respondent No.2 has no *locus standi* to do so as he is not the person, who is aggrieved by the issue of such false certificates. The learned counsel also submits that the main culprit in this case is one Ubedulla, in whose name those false certificates are found and who applied for issue of passport by filing those certificates and that the petitioners are innocent persons and therefore, continuation of the criminal proceedings against them would be abuse of process of law and ultimately, sought to quash the same.

4. The learned Public Prosecutor opposed the relief sought by the petitioners-accused Nos.1 and 2.

5. In view of the circumstances put-forth, the point for determination is whether the proceedings in C.C.No.284 of 2016 are liable to be quashed.

6. As per the material placed on record, respondent No.2 – Ch.Umesh – Head Constable, on the instructions from his superior police officers, proceeded to conduct an enquiry with regard to issue of passport proceedings bearing No.HY 406802238 and the certificates filed by the applicant – Ubedulla – L.W.2. In the course of enquiry, he entertained a doubt with regard to the genuineness of those certificates and he enquired the same with Ubedulla – L.W.2, who informed that he procured those certificates from the mee-seva centre run by the petitioners-accused Nos.1 and 2. Respondent No.2 went to the said mee-seva centre and on his verification, he found that the date of birth certificate was issued in the name of one Syed Zabi Uddin Ahmed and the proceedings of the R.D.O. were issued in the name of one Md.Rafiq. In the course of investigation, it has come on record that those certificates were fabricated and issued in favour of Ubedulla - L.W.2, by the petitioners-accused Nos. 1 and 2 by manipulating the details therein. The Investigating Officer in the course of investigation examined L.Ws.1 to 5, wherein it was revealed that the petitioners indulged in issue of those fabricated documents through their mee-seva centre. The allegations do constitute offences punishable under Sections 468 and 420 I.P.C. There is no bar for respondent No.2 – Head Constable entertaining a doubt with regard to the certificates under enquiry and lodging a report with the Police concerned.

The same cannot be faulted. Therefore, the proceedings in C.C.No.284 of 2016 cannot be quashed. The truth or otherwise of the allegations levelled against the petitioners-accused Nos.1 and 2 are required to be gone into in the course of the trial of the case. As contended, in the course of the trial before the Magistrate concerned, if it is found that Ubedulla - L.W.2 is also responsible for the manipulation of the date of birth certificate as well as the proceedings of the R.D.O., he can also be proceeded with for the offence alleged, invoking Section 319 Cr.P.C.

7. This Criminal Petition is devoid of merits and is, accordingly, dismissed.

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

22nd February, 2018
GHN

DR.SHAMEEM AKTHER, J

