

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P. No.10150 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. by A3 to quash the proceedings in C.C.No.288 of 2016, pending on the file of II Metropolitan Magistrate, Vijayawada, Krishna District, registered for the offences punishable under Sections 468, 471, 420 read with 34IPC.

Based on the information received, The Station House Officer, Krishnalanka Police Station, registered a case in Crime No.777 of 2011 for the above offences and issued FIR. During investigation, as many as five witnesses were examined and recorded their statements under Section 161(3) Cr.P.C. On the strength of the investigation, the police filed charge sheet.

It is the case of the prosecution that on 24.10.2011 at about 11 hours on receipt of credible information about the accused, who are involving in cheating and possessing of technical educational fake and forged certificates that are prepared and supplying to the persons, who are in need collecting huge amounts, though they are not competent to issue such certificates.

The Sub-inspector of Police along with the staff collected two mediators, proceeded to Eluru bus stop at PNBS, Krishnalanka, Vijayawada, found two accused persons, who are discussing about the preparation of fake and forged technical education certificates and on interrogation, they disclosed their identity, immediately they were arrested at 11.00 hours explaining reason for their arrest, conducted search of the premises, found fake certificates and they

were seized in the presence of mediators under cover of mediators report, attested by LWs.4 and 5.

During investigation, the Sub-inspector of Police accompanying with staff and mediators went there and seized one computer and colour Xerox machine used for preparing fake technical education certificates and after completion of investigation filed charge sheet with the same allegations.

The case of the petitioner is that mere seizure of computer and printer etc from his possession is not sufficient to conclude that he is preparing fake forged technical education certificates to the persons, who are in need and collecting huge amounts. In the absence of any material to constitute the above offences, the proceedings against the petitioner are liable to be quashed.

Learned Public Prosecutor opposed the petition.

As seen from the allegations made in the complaint, the petitioner along with other accused started manufacturing fake and forged technical education certificates and supplying those certificates to the persons, who are in need, on payment of money and such act would constitute the offences referred above as they cheated and thereby induced with dishonest intention to part with the amount by the public at large and even otherwise production of such fake and forged technical education qualification certificates are only with an intent to cheat the public and it is a serious offence, which would effect the public administration seriously in case any person if appointed on such fake certificate obtained, in public employment. The material on record is sufficient to proceed against the petitioner. Therefore, I find that there are no grounds

to quash the proceedings at this stage and consequently, the criminal petition is dismissed.

In the result, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

27.09.2018
kvrn

M.SATYANARAYANA MURTHY,J

