

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12419 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A.3 seeking to quash the proceedings against him in C.C. No.350 of 2012 on the file of the IV Additional Chief Metropolitan Magistrate, Vijayawada City, for the offences under Sections 420 and 471 I.P.C.

2. Heard the learned counsel for the petitioner-A.3 and the learned Assistant Public Prosecutor, apart from perusing the material on record.

3. Learned counsel for the petitioner-A.3 would submit that the petitioner-A.3 is involved in this case pursuant to the confession made by A.1; the proceedings made against A.1 was quashed by this Court, *vide* the orders 22.07.2016 in CrI.P. No.3703 of 2016; there are no allegations in the charge sheet or the statements of the witnesses against the petitioner-A.3; and ultimately, prayed to allow the application.

4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioner-A.3.

5. As per the material on record, the investigating officer in the course of investigation has seized the certificates, viz., (1) Acharya Nagarjuna University No.163902 marks of III/IV B. Tech Examination held in October, 2005, Pavan Kumar Parvathaneni, S/o.Durga Prasad with Registered No.Y31To31; (2) Acharya Nagarjuna University No.178592 marks of III/IV B. Tech Examination held in April, 2006, Pavan Kumar Parvathaneni, S/o.Durga Prasad with Registered No.Y31T031, pursuant to the confession made by petitioner/A.3. The accusation against A.1 is

quite different from the petitioner-A.3. Under these circumstances, it cannot be said there are no allegations constituting the offences under Sections 420 and 471 I.P.C. against the petitioner-A.3. The continuation of the proceedings against the petitioner-A.3 would not be abuse of process of law. The innocence or otherwise of the petitioner-A.3 is to be determined after due trial. The petition is devoid of merits and it is liable to be dismissed.

6. This Criminal Petition is dismissed accordingly. Miscellaneous petitions, if any pending in this case, shall also stand dismissed.

1st February, 2018
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Dr. SHAMEEM AKTHER, J

