

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Criminal Misc. No.M-11794 of 2018 (O&M)
Date of Decision: November 19, 2019**

Raj Bala

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shashi Bharat Bhushan, Advocate
for the petitioner (s).

Mr. Munish Sharma, AAG Haryana.

Mr. Ram Kumar Saini, Advocate
for the complainant.

SURINDER GUPTA, J.

This is petition under Section 482 Code of Criminal Procedure seeking quashing of FIR No.119 dated 28.04.2016 (Annexure P-1) registered for the offences punishable under Sections 420, 467, 468, 471, 472 read with Section 120-B of Indian Penal Code at Police Station Agroha, District Hisar, along with all subsequent proceedings arising therefrom.

Petitioner Raj Bala submitted her nomination for the post of Sarpanch of village Asrawan, Tehsil Adampur for the elections held on 24.01.2016 along with Form-C and submitted her middle class certificate issued by Janta Middle School, Bathinda on its letter pad in support of her educational qualification. The complainant alleged that petitioner is uneducated and her middle class certificate was fake. The school which issued the certificate is in Punjab, where Punjabi was a compulsory

language.

The matter was inquired by Sub Divisional Officer (Civil), Hisar, who found that petitioner has made wrong assertion in her nomination form regarding her educational qualification. Her middle class certificate issued by Janta Middle School, Bathinda was not correct.

Verification was also sought from District Education Officer (D.E.O.), who vide letter dated 19.01.2017, clarified that 8th class certificate issued to the petitioner by Janta Middle School, Bathinda was not counter signed by D.E.O. Office, Bathinda. District Education Officer (SE), Bathinda vide letter dated 10.02.2016 to District Education Officer (EE), Bathinda recommended the initiation of proceedings for cancellation of recognition of Janta High School, Bathinda. After completion of investigation, challan was presented in the court.

Learned counsel for the petitioner has argued that petitioner has filed this petition seeking quashing of the FIR on the ground that in the year 1992-93, examination of 8th class were not conducted by Punjab School Education Board, as such, the certificate could not be issued by the Board and it has been rightly issued by the school, where petitioner studied. Middle class certificate issued to the petitioner was genuine and there was no record with the District Education Officer to deny its issuance. The certificate was sent to Assistant Registrar (Examination), office of Director, S.C.E.R.T. Punjab and vide letter dated 23.06.2016, the same could not be verified for want of record. In the absence of any evidence of forging of education certificate, continuation of proceedings against the petitioner is misuse of the process of law and Court and the same should be quashed.

case is to be read only to the extent that petitioner, who is an illiterate lady, had produced her fake middle class certificate in support of her contention that she is middle class pass, a qualification required to contest the election of Sarpanch of Gram Panchayat. The police on inquiry has found that certificate was fake and was issued by co-accused on the letter head of Janta Middle School, Bathinda, where petitioner never studied. It has also come to the notice of police during investigation that several such fake certificates were issued by that school to different persons to enable them to contest the election or to get the job. Police has ample evidence to prove that petitioner is uneducated. He has also referred to the inquiry report of Additional Deputy Commissioner, Hisar, wherein, on inquiry, he has observed that Smt. Raj Bala stated that in middle class, she read the subjects like Math, Science, Social Studies, Drawing, Sanskrit, Haryanvi, but English was never taught in that class. She had studied in Punjab but did not know how to read or write Punjabi language despite the fact that her mark-sheet shows her 58 out of 100 marks in Punjabi. During inquiry, she was asked to write but she could not write even a single word in any language. Her mark-sheet shows 46 out of 100 marks in English and similarly, she is shown to have secured good marks in other subjects as well. The certificate produced by her was alleged to be counter signed by Smt. Surinder Kaur Kataria who had not even been promoted as District Education Officer in the year 1992 as she was promoted to this post in 1997 only. On further inquiry, it was found that against the Roll No.P-822 of petitioner, two other persons namely Smt. Sunita Kumari wife of Hukam Chand, resident of Dhani, Tehsil and District Jind and Rajbir son of Tuti Ram, resident of village Khedar, Tehsil Barwala,

1992-93 and 1988-89. The recognition of Janta Middle School, Bathinda has also been revoked by the Education Board for issuing fake education certificates. In view of the overwhelming evidence with the prosecution, which could be produced during trial, this inference cannot be drawn that registration of FIR against petitioner is a misuse of the process of Court.

The allegations against the petitioner are that she has procured a fake certificate of her education qualification and produced the same while filing nomination for the election of Sarpanch of her village. During investigation, it has been found that certificate produced by her was fake and counter signature of District Education Officer on the certificate were forged. Action has also been taken against the school and the person who issued the fake certificate. Against same Roll number for which certificate was issued to petitioner, certificates have also been issued to two more persons.

Keeping in view the above facts, FIR against the petitioner cannot be termed as misuse of the process of Court. A prima facie case is made out against the petitioner and the present petition seeking quashing of FIR (Annexure P-1) has no merits. Hence, dismissed.

It is, however, made clear that the observation of facts in this order is only for the purpose of disposal of this petition and shall not have any bearing on the decision of the criminal case against the petitioner on merits.

November 19, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No