

CRM-M-57253 of 2022

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-57253 of 2022

Reserved on : 8.12.2023

Pronounced on :20.12.2023

Anil Kumar

....Petitioner

Versus

State of Haryana and another

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms Manju Yadav, Advocate, for the petitioner
Mr. Bhupender Singh, DAG, Haryana

KULDEEP TIWARI,J.

1. Through the instant petition, prayer has been made for quashing of FIR No. 418 dated 12.10.2022, under Sections 420, 467, 468, 471 IPC, Police Station Sadar Tauru, Nuh and all other consequential proceedings arising therefrom.

2. Learned counsel for the petitioner has submitted that the impugned FIR, has been registered on a complaint made by the District Education Officer, Nuh, and prior to making such a complaint, there was no such departmental inquiry initiated against the present petitioner, and straight away a FIR was registered. He has further submitted that there is no incriminating evidence to the effect that the petitioner has ever tampered with his matriculation certificate, at any point of time. In fact, it is a case of mere typographical mistake, that too, on the part of Haryana School

Education Board, Bhiwani, which prepared the matriculation certificate of the petitioner, and there was no intent on the part of the petitioner, to take any undue benefit out of that certificate. He has further drawn attention of this Court on various orders passed in Civil Writ Petition No. 19669 of 2022, preferred by the petitioner, wherein, he had challenged various departmental orders, to submit that during the pendency of the civil writ petition (supra), the present FIR has been registered which is totally unwarranted act of the department. He has further submitted that the civil and criminal proceedings cannot go simultaneously, and there is a gross violation of procedural law, as mentioned in the Cr.P.C.

3. The allegations against the petitioner are that the petitioner, while working as Principal, Government Senior Secondary School, Rathiwas, had tampered with his date of birth in his matriculation certificate from 21.12.1963 to 21.12.1968, which made the petitioner younger by five years. He has completed his Bachelor of Arts degree on dated 6.2.2002, through correspondence from Barkatulla University, Bhopal. He took charge of P.G.T. Commerce on dated 30.10.1998, through promotion. It is also alleged that the petitioner has joined the post of PTI. on dated 15.5.1993, the basis of fake PTI certificate.

4. Upon notice, status report by way of affidavit of Deputy Superintendent of Police, Tauru, Nuh, has been filed by the learned State counsel and the same was taken on record.

5. A perusal of the records, makes revelations that the matriculation certificate of the petitioner is a fabricated document, as per the inquiry conducted by the Inquiry Officer, deputed by the Haryana School Education Board, Bhiwani. The crux of the investigation as conducted by the Investigating Agency as mentioned in the status report is reproduced as under:-

“7. That however, the certificate appended to by the petitioner, clearly shows that the certificate produced by him had been interpolated. The petitioner had been joined in investigation of the case on 11.01.2023 and was questioned. He was evasive by the responses submitted by him and did not disclose as to when had he interpolated the matriculation certificate. The matriculation certificates of the other siblings of the petitioner had been taken on record.

8. That the perusal of the said matriculation certificates has revealed that the date of birth stands recorded as 21.12.1963 in the Board records, whereas, his brother Pawan Kumar's date of birth stands recorded as 15.04.1964 and that of his sister Kaushalya stands recorded as 29.12.1964. As per the said incorporation, the petitioner and both his siblings were found to have been found in 12 month and 10 days which is impossible.

9. That during the course of investigation, the petitioner has contended his date of birth being 21.12.1968, whereas the date of birth of his brother Harsh Kumar stands recorded as 08.11.1968. The

collected record shows that the interpolation had been done by the petitioner in his date of birth record, with a view to stay in the government services for a longer time.

10. That in the investigation in the case has been nearly completed and the final report as contemplated by the provisions of Section 173(2) Cr.P.C. shall be put in Court of competent jurisdiction at the earliest.”

6. The perusal of the status report, *prima facie* depicts that there are sufficient evidence to put the petitioner on trial. The issues raised by the learned counsel for the petitioner through the instant petition are disputed questions of facts which require thorough appreciation. This Court cannot appreciate the evidence, that too, at the initial stage, exercising the power under Section 482 Cr.P.C.

7. In view of the above discussion, the present petition is **dismissed**. However, the liberty is granted to the petitioner to raise all the pleas before the learned trial court at appropriate stage.

December 20, 2023

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**(KULDEEP TIWARI)
JUDGE**

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No