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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED**: 03.01.2024**

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.6018 of 2022
and
Crl.M.P.Nos.3351 & 3353 of 2022

K.K.Sheema ... Petitioner

Versus

1.The State rep. by
Inspector of Police,
Ooty Town Central Police Station,
Nilgiri District.
(Crime No.1000/2017)

Now transferred to

Inspector of Police,
District Crime Branch,
Nilgiris District.

2.Valarmathi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, pleased to call for records in C.C.No.15 of 2019 on the file of the Judicial Magistrate Court, Udhagamandalam and quash the same.

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For Petitioner : Mr.R.Thirumoorthy

For Respondent 1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)

ORDER

The petitioner has filed this petition to call for the records in C.C.No.15 of 2019 on the file of the Judicial Magistrate Court, Udhagamandalam and quash the same.

2. The case of the prosecution is that on 10.10.2017, the defacto complainant who is the 2nd respondent lodged a complaint to the 1st respondent police by stating that she received an e-mail communication from the Director of College Education wherein she was directed to give police complaint against the petitioner and A1 / Anandh on the allegation that their Ph.D. Certificate which was given during their appointment was found to be false. Hence, the 1st respondent registered an FIR for the offences under Sections 468, 471, 420 of IPC in Crime No.1000 of 2017. Thereafter, the 1st respondent proceeded with the investigation and laid a final report for the said offences before the learned Judicial Magistrate, Udhagamandalam which was taken cognizance by the learned Judicial Magistrate, Udhagamandalam against the petitioner and A1 in CC.No.15 of 2019. Initially the 1st respondent

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registered the complaint and thereafter which was transferred to the District Crime Branch and now Charge sheet was filed by the District Crime Branch, Nilgiris District.

3. The learned counsel for the petitioner submitted that the 2nd respondent gave complaint on the instruction given by the Director of College Education without ascertaining the actual position of the certificate relating to the Ph.D of the petitioner was found to be genuine. In fact the 2nd respondent verified the accuracy of the Ph.D certificate of the petitioner by writing letter to the Registrar, Patna University and for which a communication dated 27.10.2015 issued by the Patna University which confirmed that Ph.D decree conferred to the petitioner is found correct and genuine. He further submitted that charge sheet was filed against the petitioner and the trial Court posted the case to 04.05.2022 for service of summons. Moreover the petitioner was suspended from service and subsequently dismissed without giving fair opportunity to defend the departmental proceedings. He further submitted that in respect of the offences registered against the petitioner under Sections 468, 471, 420 of IPC will not attract on the allegation made against them in the FIR as well as in the statement recorded during the investigation. He also submitted that

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neither witnesses spoken about the forgery nor material evidence produced by the 1st respondent to meet out the ingredients of penal provision clamped against the petitioner. Therefore, the charge sheet filed against the petitioner is liable to be quashed.

4. The learned Government Advocate (Crl.Side) submitted that the letter dated 23.12.2018, wherein Patna University in Hindi language stated that on verification of their records they have not found the name of the accused / Anandan and accordingly they submitted that they have not issued any decree certificate to him and the said certificate also to be translated by the Hindi professor of the College, Chennai. He further submitted that the petitioner has given fake certificate during appointment.

5. On the contrary the counsel for the petitioner submitted that they received letter from the Patna University and they issued certificate. If any certificate is issued by them, the petitioner is also entitled to adduce evidence by calling upon the Patna University as defence witnesses. Therefore, the allegation of submitting the fake certificate is grave in nature of offence and if the certificate is a valid one the petitioner is entitled to adduce evidence to that effect.

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6. Considering the facts and circumstance, I do not find any reasons to quash the proceedings. Accordingly, this Criminal original petition is dismissed.

7. However, the learned trial Judge is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

03.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
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To

1.The Judicial Magistrate Court,
Udhagamandalam.

2.The Inspector of Police,
Ooty Town Central Police Station,
Nilgiri District.
(Crime No.1000/2017)

3. The Public Prosecutor,
High Court of Madras.

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T.V.THAMILSELVI, J.

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