

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY**

CRIMINAL PETITION NO: 7889 OF 2013

Between:

Ch.Murali Krishna, S/o. Kotaiah, Occ:Asst., Transport Officer, Regional Workshop
(S.H.T.O) Kedareshwaripeta, Ayodya Nagar, Vijayawada -3.

...PETITIONER/ACCUSED

AND

The State of A.P., Rep., by Public Prosecutor of High Court, Andhra Pradesh

...RESPONDENT/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the Crime No.850 of 2009, pending on the file of the Police Station, Sanjeev Reddy Nagar, Hyderabad.

I.A. NO: 1 OF 2013(CRLPMP. NO: 7316 OF 2013)

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings in Crime No.850 of 2009, pending on the file of the Police Station, Sanjeev Reddy Nagar, Hyderabad, including the personal attendance of the petitioner, pending disposal of the above CrI.P.

I.A. NO: 1 OF 2016(CRLPMP. NO: 6383 OF 2016)

Between:

The State of Telangana, Rep., by the Public Prosecutor, High Court of Telangana, at Hyderabad,

...PETITIONER/ RESPONDENT

AND

Ch.Murali Krishna, S/o. Kotaiah, Occ:Asst., Transport Officer, Regional Workshop
(S.H.T.O) Kedareshwaripeta, Ayodya Nagar, Vijayawada.

...RESPONDENT/ ACCUSED

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the interim stay granted in CrI.M.P.No.7316/2013 in CrI.P.No.7889 of 2013 on the file of High Court of Judicature at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J.SUDHEER, Advocate for the Petitioner and the Assistant Public Prosecutor (TG) on behalf of the Respondent State,

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRL.P.No.7889 OF 2013

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/accused in pursuance of the F.I.R in Cr.No.850 of 2009, on the file of Sanjeev Reddy Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 468, 471 & 420 IPC.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent/State. Perused the record.

3. The State Health Transport Officer/complainant lodged a complaint before police, Sanjeev Reddy Nagar alleging that the petitioner got selection through the Andhra Pradesh Public Service Commission (APPSC) by producing bogus/forged certificate in mechanical engineering degree stating that he studied automobile engineering as one of the subjects. That petitioner joined the department as Service Engineer during March, 1999 and at the time of verification, he produced bogus/forged certificate by duly managing the officers at that time and joined duty.

4. It is stated that the petitioner was considered for promotion to the post of Assistant Transport Officer from the feeder category of Service Engineer in the year 2004 and it was deferred and in the year 2007, he was again considered for promotion to the post of Assistant Transport Officer and it was also deferred, as he did not possess the requisite qualification of automobile engineering degree. The Director of Health issued notional promotion by duly not following the procedures and without conducting Departmental Promotion Committee (DPC). When some of the engineers, who joined along with the petitioner, complained that he had not studied automobile subject during the course of mechanical engineering degree, the complainant addressed a letter to the Controller of Examinations, Kakatiya University, Warangal for verification of genuineness of the elective subject i.e., automobile engineering. In reply, the Kakatiya University informed that that automobile engineering is not available in the University as part of the B.Tech Mechanical Engineering course and as per the available records, the elective subject of the petitioner is 'Theory of Finite Element Method' and he has not studied automobile engineering subject during the course of mechanical engineering degree.

5. It is stated that as per Advertisement No.4/95 of the APPSC, the requirement for the post of Service Engineer is a degree in mechanical engineering with automobile engineering as one of the subjects with a planned apprenticeship for one year in the APSRTC or in any recognized automobile workshop or stores. The petitioner has not studied the said course and thereby cheated and misguided the APPSC officials by producing bogus/forged certificates and also the departmental officials at the time of joining duty. Based on the above complaint, the police registered a case against the petitioner in Cr.No.850 of 2009 for the offences punishable under Sections 468, 471 & 420 IPC. Aggrieved by the same, the petitioner filed the present criminal petition seeking to quash the proceedings.

6. Learned counsel for the petitioner contends that at the time of applying for the post of Service Engineer, in response to the advertisement of the APPSC in the Andhra Pradesh Medical & Health Transport Service, the petitioner had submitted copy of consolidated memorandum of marks, B.Tech (four year course) examination in Mechanical Engineering along with other

documents and after having satisfied that the petitioner fulfilled the eligible criteria, he was allowed to participate in the selection process and, accordingly, he was appointed on 24.03.1999. The petitioner has not submitted any bogus/forged documents as alleged and the allegations in the complaint do not constitute any of the ingredients of the alleged offences to proceed against him. He, therefore, prays to quash the proceedings against the petitioner.

7. On the other hand, the learned Assistant Public Prosecutor, while opposing the contentions of learned counsel for the petitioner, contends that *prima facie* there are allegations in the complaint attracting the ingredients of the offences alleged and the investigating agency may be permitted to proceed with the investigation to bring the case to its logical conclusion. She further submits that the truth or otherwise of the allegations in the complaint will come out only after full-fledged trial and prays to dismiss the petition.

8. The undisputed facts are that the petitioner had applied to the post of Service Engineer pursuant to the advertisement of the APPSC in the Andhra Pradesh Medical & Health Transport

Service. At the time of applying the said post, the petitioner has submitted all the requisite certificates along with the form and subsequently, he was allowed to take the examination and, accordingly, got selected to the post of Service Engineer in the year 1999. In the year 2007, he was considered for promotion to the post of Assistant Transport Officer and the same was deferred as the petitioner did not possess the requisite qualification of automobile engineering degree. However, the Director of Health issued notional promotion by duly not following the procedures and without conducting the DPC. On complaint of some of the engineers that the petitioner had not studied automobile engineering subject while pursuing mechanical engineering degree, the complainant addressed a letter to the Controller of Examinations, Kakatiya University, Warangal for verification of genuineness of the elective subject of the petitioner i.e., automobile engineering. The University informed that that automobile engineering is not available in the University as part of the B.Tech Mechanical Engineering course and as per the available records, the elective subject of the petitioner is 'Theory of Finite Element

Method' and the petitioner has not studied automobile engineering subject during the course of mechanical engineering degree.

9. As per the copies of memorandum of marks of the petitioner in B.Tech (four year course) examination in Mechanical Engineering, in the fourth year II semester, in the list of electives (a) to (h), elective 'a' is shown as 'Automobile Engineering' and elective 'b' is shown as 'Theory of Finite Element Method (FEM)'. It is stated in the complaint that the authorities of the Kakatiya University have informed that as per the available records, the elective subject of the petitioner in the IV year II semester B.Tech of the year 1989 is 'Theory of Finite Element Method (FEM)' and he has not studied automobile engineering subject during the course of mechanical engineering degree.

10. It appears from the advertisement of the APPSC, the requisite qualification for applying to the post of Service Engineer is - a degree in Mechanical Engineering with Automobile Engineering as one of the subjects with a planned apprenticeship for one year in the APSRTC or in any recognized automobile workshop or stores. However, the authorities of the APPSC have

permitted him to appear the examination and after the petitioner was successful in the examination, he was selected to the said post. As seen from the memorandum of marks of IV year II semester, it contains the elective subject 'automobile engineering' as one of the subjects and the authorities of the APPSC might have thought that the petitioner possessed the requisite qualification since the condition precedent for applying the post of Service Engineer is a degree in mechanical engineering with automobile engineering as one of the subjects.

11. The essential ingredients to attract Section 420 IPC are: (i) cheating; (ii) dishonest inducement to deliver property or to make, alter or destroy any valuable security or anything which is sealed or signed or is capable of being converted into a valuable security; and the (iii) *mens rea* of the accused at the time of making the inducement. It is not in dispute that to hold a person guilty of cheating, it has to be shown that his intention was dishonest at the time of making the promise.

12. Coming to the facts of the present case, the allegations in the complaint disclose that the petitioner despite having

knowledge that he was not possessing the subject of automobile engineering during the course of mechanical engineering degree, applied for the post of Service Engineer whereas the qualification prescribed for applying to the said post is a degree in Mechanical Engineering with Automobile Engineering as one of the subjects. So, the petitioner without studying automobile engineering, which as per him is one of the subjects in mechanical engineering, had applied to the said post. The said fact itself *prima facie* constitutes the ingredients of the offences alleged. Though the petitioner stated that after necessary verification of the antecedents, including the educational qualification and original certificates, he was appointed, but serious allegations have been leveled against him in the complaint that he has managed the officers at the verification of the documents and joined the duty. In fact, the allegations also disclose that proper verification was done by the complainant about the genuineness of the certificate with Kakatiya University before filing the complaint.

13. For the foregoing reasons, I am of the view that the allegations in the complaint *prima facie* constitute the ingredients of the offences alleged. It is, therefore, considered not a fit case to


invoke the inherent powers of this court under Section 482 Cr.P.C.,
and quash the proceedings against the petitioner/accused.

14. The criminal petition is, accordingly, dismissed.

15. Pending miscellaneous petitions, if any, stand closed.

//TRUE COPY//

Sd/-B.SATYAVATHI
DEPUTY REGISTRAR


SECTION OFFICER

To

1. The III Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Police Station, Sanjeev Reddy Nagar, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad
(OUT)
4. One CC to Sri J.Sudheer, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

Kj.



HIGH COURT

DATED:29/07/2022



ORDER

CRLP.No.7889 of 2013

THE CRL.P. IS DISMISSED.

⑧ VLV
13/9/22