

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF DECEMBER 2012

BEFORE

THE HON'BLE Dr. JUSTICE JAWAD RAHIM

CRL.PETITION No. 7852/2012

BETWEEN:

SRI RAJENDRA,
S/O LATE C.HARISS,
AGED ABOUT 50 YEARS,
SENIOR TELECOM OPERATING
ASSISTANT (GENERAL) OFFICE
OF THE SUB-DIVISIONAL ENGINEER
TELEPHONE EXCHANGE, TARIKERE,
CHIKKAMAGALUR DISTRICT – 577 101

... PETITIONER

(BY SRI BHASKAR BABU H.J., ADV.)

AND:

1. STATE BY CHITRADURGA TOWN POLICE,
CHITRADURGA SUB-DIVISION,
CHITRADURGA TALUK,
CHITRADURGA DISTRICT
CHITRADURGA – 577 201
2. STATE BY HUMAN RIGHTS COMMISSION,
DAVANAGERE
REP BY – K.VIJAY,
POLICE SUB-INSPECTOR,

HUMAN RIGHT COMMISSION
DAVANAGERE

3. THE DEPUTY COMMISSIONER & CHAIRMAN ASTE
VERIFICATION COMMITTEE,
CHITRADURGA SUB-DIVISION,
CHITRADURGA DISTRICT
CHITRADURGA – 577 201
4. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB-DIVISION
CHITRADURGA DISTRICT,
CHITRADURGA – 577 201
5. THE TAHSILDAR
CHITRADURGA TALUK
CHITRADURGA – 577 201
6. THE GENERAL MANAGER TELECOM
BSNL, CHIKKAMAGALUR TD,
CHIKKAMAGALUR – 577 201
7. THE ADDITIONAL GENERAL OF POLICE
(HUMAN RIGHT COMMISSION
KARNATAKA),
BANGALORE - 1

... RESPONDENTS

(BY SRI RAJA SUBRAMANYA BHAT, HCGP.,)

THIS CRL.PETITION IS FILED UNDER SEC.482,
CR.P.C.PRAYING TO QUASH THE COMPLAINT DATED
21.9.2012 AND FIR IN Cr.NO.271/12 AND ALL ORDERS AND
PROCEEDINGS IN Cr.NO.271/12 PENDING BEFORE
RESPONDENT NO.1.

This petition coming on for preliminary hearing this day, the court delivered the following

O R D E R

Petitioner is the sole accused in Crime No.271/12 registered for the offences punishable under Sections 196, 198 and 420, I.P.C. and Sections 3(i)(ix) and 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. The complaint though registered is in the initial stage of investigation. The petitioner has rushed to this court seeking it to be quashed on the plea that he belongs to *Kumbara* community which is classified as Scheduled Tribe. He has produced a valid caste certificate and was given employment. Later on the basis of a complaint submitted by the *Tahsildar* that the certificate produced by the petitioner was fraudulently obtained, action was initiated. The *Tahsildar* passed an order cancelling the caste certificate. It was questioned by him before this court in W.P. 6785/09 and this court set aside the order against the

petitioner vide judgment dated 11.1.2010 and consequently quashed the order passed by the 6th respondent-General Manager, BSNL, and remanded the case, directing the 3rd respondent to conduct *de novo* inquiry.

3. Learned counsel for the petitioner does not dispute in the fresh inquiry, petitioner has been indicted again by the 3rd respondent which he has questioned in this petition. Therefore, it is evident as of now there is a report against him that the caste certificate produced by him is fraudulent. But the learned counsel contends the order passed has been stayed.

4. Merely because the order passed has been stayed, investigation cannot be stayed. It is quite clear that the inquiry relating to alleged fraudulent caste certificate has not reached finality. As of now, the order declaring the certificate to be non-authentic is in force, though stayed by the appellate authority. This is certainly not a ground to quash the proceedings which have been initiated.

5. Learned counsel further submits the apprehension of the petitioner is, he may be arrested and if that happens, being a Government servant, his services will be terminated. That is not the scope of this petition. If such apprehension is there, he has an appropriate remedy.

6. I find no merit in the petition. The petition is dismissed.

SD/-
JUDGE

vgh*