



**CRL.P No. 100440 of 2019**

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 31ST DAY OF MAY, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE V.SRISHANANDA**

**CRIMINAL PETITION NO. 100440 OF 2019 (482-)**

**BETWEEN:**

RAGHAVENDRA S/O ISHWAR NAIK  
AGE: 35 YEARS, OCC: AGRICULTURE,  
R/O: NEHERU NAGAR, MUNDAGOD,  
DIST: UTTARAKANNADA..

...PETITIONER

(BY SRI. K.L.PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
THROUGH MUNDGOD POLICE STATION,  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA, DHARWAD BENCH.
2. VISHWANATH K.  
AGE: 35, OCC: ASSISTANT DIRECTOR,  
TOWN AND COUNTRY PLANNING DEPARTMENT,  
SIRSI, DIST: UTTARAKANNADA.

...RESPONDENTS

(BY SRI.RAMESH CHIGARI, HCGP FOR R1 AND R2,  
ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.  
SEEKING TO QUASH THE FIR AND COMPLAINT REGISTERED  
AGAINST THE PETITIONER IN MUNDGOD POLICE STATION  
CRIME NO.4/2019 FOR THE OFFENCES P/U/S 465, 468, 471 &  
420 OF IPC.

CHANDRASHEKAR  
LAXMAN  
KATTIMANI

Digitally signed by  
CHANDRASHEKAR  
LAXMAN  
KATTIMANI



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THIS PETITION COMING ON FOR ADMISSION THIS DAY,  
THE COURT MADE THE FOLLOWING:

**ORDER**

1. Though this petition is listed for admission, with the consent of the parties, it is taken up for final disposal.

2. Heard Sri. K.L.Patil, High Court Government Pleader-State.

3. The present petition is filed under Section 482 of Cr.P.C. with the following prayer:

*"It is most respectfully prayed that, the Hon'ble Court may kindly be pleased to quash the FIR and complaint registered against the Petitioner in Mundgod Police Station Crime No.04/2019 for offences punishable under Sections 465, 468,471 and 420 I.P.C., in the interest of justice and equity."*

4. Brief facts of the case are as under:



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The complaint came to be filed by Sri.Vishwanath K. being the Assistant director, Town and Country Planning Department, Sirsi.

The gist of the complaint averments show that the petitioner herein has produced some documents including the sketch and affixed fake seals and signature wanted to obtain an order from the Department. On preliminary enquiry it is revealed that the documents submitted by the petitioner herein were fake inasmuch as corresponding original documents were not with the office of the complainant.

5. Therefore, having prima facie found that the documents submitted by the petitioner herein are fake he sought for action against the petitioner. Based on the said complaint Mundgod Police registered a case against the petitioner herein in Crime No. 04/2019 for the offences punishable under Sections 465, 468, 471, and 420 I.P.C., After registration of the case, police are investigating the



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matter. In the mean time petitioner approached this Court with aforesaid prayer based on the following grounds.

- *"It is submitted that, the Complaint lodged by the Complainant is false, frivolous and coupled with ulterior motives. Hence, it deserves to be quashed.*
- *It is submitted that, the Complainant ought to have primarily examined as to whether the xerox layout map submitted by the said S.G. Koodalmath was valid one or not before proceeding to take any action on his objection.*
- *It is submitted that, if the entire complaint averments are to be considered, the Complainant clearly avers that the records are not available with his office. The said aspect does not implicate any misdeeds on the part of Petitioner. In spite of the said fact, the present complaint is filed at the instance of some third party who is totally unconcerned to the property of the Petitioner.*
- *It is submitted that, without there being any Written communication or approval by the Deputy Commissioner, merely alleging that he was instructed to lodge a complaint telephonically, the present Complaint has been filed which clearly goes to show that the*



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*complaint has cooked up a false story against the petitioner at the instance of the ill wishers of the petitioner.*

- *It is submitted that, the Complainant himself has issued no- objection certificate to the Petitioner vide Annexures- E and G. Now the Complainant is estopped from contending that the records are not available with him.*
- *It is submitted that, after completion of the entire layout development, the Petitioner has even gifted the civic amenities area to the Complainant's Office by virtue of a registered gift deed. This aspect clearly goes to show that the Complaint is one with ulterior motives and not a genuine one.*
- *It is submitted that, the Petitioner has complied with all the necessary legal formalities and he has also got himself registered with the Real Estate Regulation Authorities. Even the said registration is granted only after verifying the relevant records of the property. Under such circumstance the complaint is totally untenable and it is nothing but brain child of complainant's imagination.*



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- *It is submitted that, the Petitioner has paid all the statutory fees necessary for conversion of the land and subsequent approval of the layout. After incurring all the necessary expenditure the Petitioner has got the layout map approved.*
- *It is submitted that, even if the complaint averments are to be considered, they do not constitute any offence alleged against the petitioner.*
- *It is submitted that, the Complaint is filed at the instance of ill wishers of the Petitioner with ulterior motives.*
- *It is submitted that, the complaint in its present form is nothing but clear abuse of process of law. Such frivolous complaints warrant interference of this Hon'ble Court.*
- *It is submitted that, it is not the fault of this Petitioner that the Complainant has failed to maintain proper records pertaining to layout map of the petitioner's property. The Petitioner is being made scapegoat of callous negligence of the Complainant which is totally illegal.*
- *It is submitted that, even though it is stated in the complaint that the Chief Officer of Town and Country*



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*Planning has made available the certified copies of the documents, nowhere in the complaint it is mentioned that such records were verified and an independent conclusion was drawn as to veracity of those documents. This aspect clearly goes to show that the original records have been totally ignored and the map submitted by said S.G. Koodalmath, whose veracity is unknown, has been relied upon and a frivolous complaint has been lodged against the Petitioner.*

- *Any other grounds which are not specifically urged by the Petitioner will be urged at the time of hearing with permission of the Hon'ble Court and due notice to the other side."*

6. Reiterating the grounds stated in the petition, Sri.K.L.Patil, learned counsel for the petitioner vehemently contended that the petitioner is no way responsible for the alleged offences and the continuation of the criminal proceedings against the petitioner would result in abuse of process of Court and sought for allowing the petition.



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7. Per contra, learned High Court Government Pleader opposes the petition prayer on the ground that the petitioner obtained an order from the Town and country planning Department by submitting fake documents. On verification, prima facie, the documents furnished by the petitioner herein appears to be fake inasmuch as the corresponding documents are not available in the office of the complainant and thus, the matter requires the investigation.

8. Perused the material evidence on record in the light of the rival contentions of the parties.

9. Admittedly, an order came to be passed by the complainant office based on the documents furnished by the petitioner herein. Such documents on verification found to be faked inasmuch as seal affixed on the documents furnished by the petitioner is not tallying with the seals found in the office of the complainant. So also there are no corresponding documents available in the office of the complainant wherein the complainant has





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entertained a serious doubt and on further verification, the complainant formed an opinion that the documents furnished by the complainant prima facie are fake documents. Since the matter is of serious in nature, same requires thorough investigation. Mere registering a case and investigating the matter still could not amount to abuse of process of Court in the matter of this nature.

10. Accordingly, grounds set in the petition do not make out a case for admitting the matter and further passing an order. Hence, following order is passed. Admission declined. Consequently, the petition is dismissed.

**SD/-  
JUDGE**

CLK,AC