



CRL.P No. 101924 of 2022

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 31ST DAY OF OCTOBER, 2022

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 101924 OF 2022 (482-)

BETWEEN:

JAGADISHAPPA S/O PAMPANNA ANGADI
AGE.61 YEARS, OCC.RETIRED EMPLOYEE,
R/O.MARAKUMBI, TQ.GANGAVATHI,
DIST.KOPPAL - 583268.

...PETITIONER

(BY SRI. ANAND R. KOLLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
THROUGH PSI GANGAVATI
RURAL POLICE STATION
2. CHANNAVERAYYA S/O PAMPAYYA
AGE.36 YEARS, OCC.AGRICULTURE
AND BUSINES, R/O.MARAKUMBI,
TQ.GANGAVATHI, DIST.KOPPAL - 583268.

...RESPONDENTS

(BY SMT.GIRIJA HIREMATH, HCGP FOR R1,
SRI.S.B.DODDAGOUDAR, ADV. FOR R2)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., SEEKING TO QUASH THE FIR IN CRIME NO. 319/2021 REGISTERED BY GANGAVATI RURAL PS ARISING OUT OF P.C.R. NO. 294/2021 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 415, 416, 417 AND 420 OF I.P.C. ACT 1860 PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE AND JMFC COURT GANGAVATI KOPPAL.

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



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ORDER

The 2nd respondent filed a private complaint filed under Section 200 of Cr.P.C. alleging that the petitioner falsely claiming that he belongs to 'B' category, filed nomination, and successfully contested to the election to the member of Gram Panchayat and the certificate that the petitioner belongs to 'B' category was obtained fraudulently and the same was set aside by the Appellate Authority in exercise of the power under Section 4B of the Karnataka Scheduled Castes and Scheduled Tribes and other Backward Classes (Reservation of Appointment Etc.,) Act, 1990 and has attained finality. He further alleged that the petitioner-accused by producing false certificate has deprived the benefits to the persons belonging to 'B' category. The learned Magistrate referred the complaint to the Police for investigation under Section 156(3) of Cr.P.C. The Police registered the FIR for the offences punishable under Sections 415, 416, 417 and 420 of IPC. Taking exception to the same, this petition is filed.

2. Learned counsel appearing for the petitioner submits that the offences alleged against the petitioner are cognizable and the private complaint filed by the 2nd



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respondent is not maintainable for not having complied with Sections 154(1) and 154(3) of Cr.P.C. as held by the Hon'ble supreme Court in the case of ***Priyanka Srivastava and Another Vs. State of Uttar Pradesh***¹.

3. On the other hand, the learned counsel appearing for the 2nd respondent submits that the petitioner having deprived the eligible candidates belonging to category 'B' by producing false caste certificate has committed the aforesaid offences and the registration of the FIR does not warrant any interference.

4. Learned HCGP appearing for the State would reiterate the submissions made by the learned counsel appearing for the 2nd respondent.

5. I have examined the submissions made by the learned counsel for the parties.

6. Perusal of the offences alleged against petitioner is cognizable and there is no averment that the compliant was filed after complying with Sections 154(1) and 154(3) of Cr.P.C. Hence, the private compliant filed by the 2nd respondent was

¹ **(2015) SCC 287**



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not maintainable for not having complied with Sections 154(1) and 154(3) of Cr.P.C., in view of the decision of the Hon'ble Supreme Court in the case of ***Priyanka Srivastava supra***.

Accordingly, I pass the following:

ORDER

Criminal Petition is allowed.

The impugned FIR in Crime No.319/2021 registered by the Gangavathi Rural Police Station is hereby quashed.

**Sd/-
JUDGE**

RSH
LIST NO.: 1 SL NO.: 136