IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.827 OF 2021

BETWEEN:

RANGEGOWDA
S/O LATE RANGAPPA
AGED AOBUT 62 YEARS
RETIRED ASSISTANT DIRECTOR
TOXICOLOGY SECTION
FSL, MADIWALA
PRESENTLY R/AT NO.32
1ST 'C' MAIN ROAD
SHIVANAGAR, RAJAJINAGARA
BENGALURU-560010.

...PETITIONER

(BY SRI. BICHKAL VENKAT RAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP. BY CID POLICE, BENGALURU
   REP. BY STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   BENGALURU-560001

2. SRI. K. SRIDHAR
   S/O LATE KRISHNEGOWDA
   AGED ABOUT 34 YEARS
   R/AT SHAMBOONAHALLI VILLAGE
   GORAVALE POST, DUDDU HOBLI
   MANDYA TALUK & DISTRICT-571405

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 - SERVED)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 12.03.2020 PASSED BY THE HONBLE LXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (SPL.JUDGE, P.C. ACT) BENGALURU (CCH-79) IN SPL.C.C.NO.376/2014 AGAINST PETITIONER/ACCUSED NO.3 AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 15.10.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

This petition is filed praying this Court to set aside the order dated 12.03.2020 passed by the LXXVIII Additional City Civil and Session Judge (Special Judge, P. C. Act), Bengaluru in Spl.C.C.No.376/2014 against the petitioner/accused No.3.

2. Heard the learned counsel appearing for the petitioner and learned High Court Government Pleader appearing for the respondent No.1/State.

3. The factual matrix of case of the complainant that the complainant by name K Sridhar being M.Sc Biotechnology, applied for the post of Scientific Assistant in Biology Section as per the notification dated 25.02.2003. It is stated that his application was accepted. Thereafter, he did not receive any information from recruitment committee. Therefore, the

complainant filed an application on 05.12.2007 under RTI Act requesting the particulars in respect of recruitment process to the Director of Forensic Science Laboratory, Madivala, Bangalore. But he was not received any information and an endorsement was given stating that information cannot be furnished. Aggrieved by the same, complainant approached the Department of RTI Authorities. Thereafter, some documents have been provided to him. On perusal of the same, the complainant found that they have provided false and misleading documents and the endorsement given by the Director stating the information cannot be furnished is a false one. In this connection, the complainant received the documents dated 10.04.2008, 12.08.2008, 12.05.2008 classified in the complaint as A, B, C and D and the same were the basis for registration of the case on 30.07.2010 by Madivala Police Station in Crime No.904/2010 invoking Sections 167, 192, 197, 198 and 200 of IPC.

4. After registration of the case, the case was referred to COD for further investigation. After completion of investigation, COD have filed the charge sheet arraying this petitioner as accused No.3 along with other accused persons and this petitioner is a retired Deputy Director of FSL,

Bangalore and invoked the offences under Sections 167, 197, 198, 120B read with Section 37 of IPC and Section 13(1)(d) of Prevention of Corruption Act.

5. The present petitioner had filed an application for discharge before the Trial Court raising the grounds that he was not indulged in any such act and he has not committed any offences as alleged. It is mainly contended that he was not an accused at the first instance. As per the endorsement made by accused No.1, file was opened on 29.10.2001. On perusal of the memo dated 12.03.2003, it revealed that accused No.2 has performed the work from 19.10.2001. Accused No.1 has given certificate regarding working period of accused No.2 with effect from 10.03.2001 to 30.09.2002. Accused No.1 was more interested to help accused No.2 in his selection for the post applied. It is contended by the petitioner that due to mental torture caused by accused No.1, he was forced to sign in a typed version on 12.03.2003 and his statement also clarifies that outsiders will not be allowed to work in the department. The specific contention that accused No.3 was forced to sign by the accused No.1 and without any other alternative, he put his signature on the letter in question in the chamber of accused

No.1. Thus, petitioner herein is an innocent and he may be discharged.

6. The said application was resisted by the State contending that all of them have conspired with each other in appointment of accused No.2 to the post of Scientific Assistant and created false experience certificate of accused No.2 though he was not qualified for the post by misusing their official positions and the same cannot be evaluated at the stage of discharge.

7. The trial court having considered the grounds which have been urged in the application and also in the statement of objections when accused Nos.3 and 4 have filed the application, dealt with the same and rejected the application filed by both the accused. Hence, the present petition is filed before this court.

8. The counsel appearing for the petitioner during his arguments would contend that the notification dated 25.02.2003 is not in dispute for appointment of Scientific Assistant. So also, the registration of the Crime No.904/2010 is also not disputed and registration of the case against this petitioner arraying him as accused No.3 is also not in dispute.

Discharge application is also filed. The main contention of the counsel appearing for the petitioner that the Trial Court fails to consider the material on record holding that there is no sufficient grounds. The Trial Court has committed an error in answering with regard to the sanction is concerned holding that validity of the sanction requires only upon consideration of the trial. The counsel also would contend that Section 197 of IPC deals with issuing or signing a false certificate relating to any fact of which a certificate is by law admissible in evidence when giving false evidence by the accused and fails to take note of the ingredients of the said offence. Section 197 is non-cognizable offence. The penal clause Section 195 speaks in respect of giving or fabricating false evidence with intent to procure conviction. The counsel also would vehemently contend that Trial Court fails to take note of invoking of Section 13(1)(d) only and so also committed an error that Section 167 though it is a cognizable offence, punishable imprisonment up to 3 years or fine or with both and same has to be looked into with reference of filing of charge sheet whether the IO has filed the charge sheet within the period of limitation is to be looked into. The counsel would contend that the Court has to take note of Section 468 with regard to the limitation is concerned. The

counsel also would vehemently contend that specific ground is also urged before the trial court for discharge. The counsel would contend that in respect of the charges levelled against accused No.1 is quashed and this petitioner was examined as a witness under Section 164 at first instance. The counsel also would vehemently contend that departmental enquiry was conducted and he was examined as witness. But later on, he was arrayed as an accused and thus, this petitioner has been made as scapegoat.

9. The counsel in support of his arguments relies upon the statement of this petitioner recorded in departmental enquiry and so also the 164 statement recorded in Cr.No.904/2010 before the V JMFC so also produced the sanction order.

10. The counsel in support of his arguments, relies upon the judgment reported in **1972 SCC (CRI) 495** in the case of **CENTURY SPINNING AND MANUFACTURING CO. LTD. AND OTHERS vs STATE OF MAHARASHTRA** wherein discussion was made with regard to the absence of mensrea the charge should be deemed to be groundless. Particularly, brought to notice of this court the discussion made in

paragraph 17 wherein an observation is made that the order framing the charges does substantially affect the person's liberty and it is not possible to countenance the view that the court must automatically frame the charge merely because the prosecuting authorities, by relying on the documents referred to in Section 173, consider it proper to institute the case. The responsibility of framing the charges is that of the court and it has to judicially consider the question of doing so. Without fully adverting to the material on the record, it must not blindly adopt the decision of the prosecution.

11. The counsel in support of his arguments also relies upon the judgment reported in **2007 0 SUPREME (ORI) 874** in the case of **JAGANMAYA MISHRA vs STATE OF ORISSA** wherein discussion was made that where the allegations set out in the complaint and the charge sheet did not constitute any offence it is competent for High Court to quash the said order by exercising its inherent jurisdiction of Section 482 and brought to notice of this Court the discussion made in paragraphs 8, 9 and 10.

12. The counsel also relies upon the judgment of Apex Court reported in **(2022) 15 SCC 164** in the case of

HASMUKHLAL D VORA AND ANOTHER vs STATE OF TAMIL NADU exercising the inherent power of High Court wherein reiterated the grounds and held that while it is true that quashing of criminal complaint must be done only in rarest of rare cases, it is still duty of High Court to look into each and every case with great detail to prevent miscarriage of justice.

13. The counsel also relies upon judgment of the Apex Court reported in **(2021) 2 SCC (CRI) 601** in the case of **KRISHNA LAL CHAWLA AND OTHERS vs STATE OF UTTAR PRADESH AND ANOTHER** wherein discussion was made regarding frivolous or vexatious complaints and principle also summarized that trial courts have the power to not merely decide on acquittal or conviction of the accused person after the trial, but also the duty to nip frivolous litigations in the bud even before they reach the stage of trial by discharging the accused in fit cases, this would not only save judicial time that comes at the cost of public money, but would also protect the right to liberty safeguarded under Article 21 of the Constitution. It is contended that investigation into criminal offences and the fundamental rights of individuals it is incumbent upon the Court to preserve delicate balance between the power to investigate offences, and the fundamental right of the individual to be free

from frivolous and repetitive criminal prosecution forced upon him by the might of the state or by vexatious complaints. Institution of proceedings to harass hapless litigants and held that it is the constitutional duty of the Court to quash criminal proceedings that are instituted by misleading the court and abusing its process of law only with a view to harass hapless litigants.

14. The counsel also relies upon the order passed by this Court in **Writ Petition No.54107/2014** dated **02.09.2021** wherein discussion was made with regard to departmental enquiry and the observation is made that it becomes necessary to consider the purport and impact of the complete exoneration on its merit in the departmental enquiry qua the petitioner and the proceedings pending before the Criminal Court impugned hearing. This issue need not detain this court for long as it is so longer *res integra* and petition was allowed and quashed the proceedings.

15. Per contra, the counsel appearing for the State would vehemently contend that this petitioner as well as accused No.4 earlier not made as accused, but during the course of investigation, that too while recording his statement

under Section 164, found the role of this petitioner in indulging such act like conspiring each other, issued the certificate, though he is not competent and it is an appointment of accused No.2 by accused Nos.1, 3 and 4. The material available on record clearly discloses that it is a matter of trial. Trial court in detail discussed the same and passed the order. Hence, it does not require any interference.

16. Having heard the learned counsel appearing for the respective parties and principles laid down in the judgments referred supra, it discloses that it is the duty of the court to see that whether there are materials to proceed against the petitioner herein or not. No dispute with regard to the principles relied upon by the petitioner counsel in the case of **CENTURY SPINNING AND MANUFACTURING CO. LTD.** as well as the cases of **HASMUKHLAL** and so also **KRISHNA LAL CHAWLA** referred supra wherein it is held that it is the duty of the Court to look into the accusation made against the petitioner and to see that whether it is a case for discharge or not.

17. Having perused the materials on record, it discloses that the Trial Court taken note of the grounds urged in the discharge application and so also the objection filed by the

State. The specific ground urged in the application that at the instance of accused No.1, this petitioner was forced to sign the typed version of document dated 12.03.2003 and no dispute with regard to the issuance of the said certificate.

18. Now, the question before the Court is whether the petitioner was forced to issue the said certificate or not and the same is a matter of trial. The case of the prosecution is also that the Court cannot expect it to evaluate the evidence produced by the prosecution at this juncture when specific allegation is made that in appointment of accused No.2, accused No.3 and 4, in furtherance of criminal conspiracy, have indulged in issuance of the document. This Court already found that no dispute with regard to the issuance of the said document is concerned. It is also the case of the petitioner that at the instance of accused No.1 only, the said document was issued. The trial court also taken note of the fact that the offences invoked against the petitioner are cognizable offence. During the course of investigation, if cognizable offence is noticed, accused could be implicated and no dispute to that effect is concerned.

19. The other contention raised is with regard to limitation is concerned and the same is also discussed in paragraph 18 of the judgment of the trial Court wherein an observation is made that taking of cognizance already reached its finality. So also, in respect of the offence under Section 13(1)(d), discussion was made in paragraph 20 and observation is made that even otherwise at this stage, to disbelieve or discard the materials produced by the prosecution along with the final report, absolutely there are no reasons, much less good reasons. So also, in respect of FSL Department wherein this petitioner is working along with accused No.4 is not in dispute. In paragraph 22, it is taken note that a certificate dated 12.03.2003 was issued by affixing his signature. When such materials are collected, accused No.3 is having a liberty to place reliance on the statement at the time of trial since he contend that his statement was recorded under Section 164 and the same is also placed before this Court. The grounds which have been urged before the court are all defence and the same cannot be considered at the time of discharge. At the time of considering the discharge application also, the trial court cannot appreciate the documents and also the defence and it is a matter of trial. When the materials collected by the

investigating officer show that a cognizable offence was committed by this petitioner that too the same was found at the time of investigation, all these materials to be considered at the time of trial. Hence, I do not find any error on the part of the trial court in rejecting the discharge application. There is no dispute with regard to the principles laid down in the judgments referred by the petitioner's counsel. The Court has to exercise its powers, if it is a frivolous implication of the case. But in the case on hand, issuance of letter dated 12.03.2003 is not in dispute. The main defence of the petitioner is that it was obtained by accused No.1 by force from him and the same has to be substantiated during the course of trial and not at the time of discharge. All these materials could be considered at the time of trial.

20. In view of the discussions made above, I pass the following:

Order

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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