

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER 2015

BEFORE

THE HON'BLE MRS.JUSTICE RATHNAKALA

CRIMINAL PETITION NO.1807/2015

BETWEEN:

G.S.NAGARAJ
S/O SANJEEVAPPA
AGED ABOUT 53 YEARS
R/A NO.17, IX MAIN ROAD
SRIRAMPURA,
BANGALORE – 021

...PETITIONER

(BY SRI PRAVEEN KUMAR RAIKOTE, ADV.)

AND:

1. STATE OF KARNATAKA
BY ITS POLICE INSPECTOR
ULSOOR GATE POLICE STATION
BANGALORE – 09
2. THE TAHSILDAR
BANGALORE NORTH TALUK
KANDAYA BHAVAN, K.G.ROAD
BANGALORE – 09

...RESPONDENTS

(BY SRI B.J.ESHWARAPPA, HCGP FOR R1;
R2 – SERVED)

THIS CRL.P IS FILED U/S.482 CR.P.C., PRAYING TO QUASH THE PROCEEDINGS IN CR.NO.44/2005 ON THE FILE OF ULSOOR GATE P.S., (C.C.NO.12030/2012) ON THE FILE OF VI A.C.M.M., BANGALORE.

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

ORDER

The petitioner is charge sheeted for the offences punishable under Sections 468, 471 and 420 of IPC r/w. Section 3(1)(ix) of SC/ST (Prevention of Atrocities) Act, 1989.

2. The allegation against the petitioner is, without producing the documentary proof he has obtained false caste certificate. The case was registered on 08.02.2005. Now, the petitioner has produced a report of the District Caste Verification Committee dated 18.05.2013 endorsing that on verification of the documents produced by the petitioner, it is confirmed that he belongs to 'Jenu Kuruba' (Scheduled Tribe) community. Before the District Caste Verification Committee could take its decision, this complaint is filed by the Tahsildhar. The complaint allegation is skeptical and the FIR registered on such baseless complaint is vitiated. As per

the documents at Annexure 'C', the Government had initiated disciplinary proceedings against the petitioner on the very same allegation of obtaining false caste certificate. Consequent upon the order passed by the District Caste Verification Committee, the disciplinary proceedings is dropped.

3. In the light of the above, allowing the criminal proceedings to continue is nothing but sheer abuse of the process of law and the entire proceedings is liable to be quashed.

4. The petition is allowed.

The crime No.44/2005 registered by the first respondent / Ulsoor Gate Police and the consequential criminal proceedings in C.C.No.12030/2012 on the file of the 6th Additional CMM, Bangalore is quashed.

Sd/-
JUDGE

nvj