



CNR: KAHC010015692024

NC: 2026:KHC:49693
CRL.P No. 325 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 325 OF 2024

BETWEEN:

1. H.D.GANESH
S/O. LATE DASEGOWDA,
AGED ABOUT 63 YEARS,
TREASURER,
VEDAKSHI GANESH CHARITABLE TRUST AND
VEDAKSHI GANESH EDUCATIONAL INSTITUTION,
CHENNENAHALLI VILLAGE,
PERIYAPATNA TALUK,
MYSURU DISTRICT-571 107.
2. SMT. H.K.VEDAKSHI
W/O. H.D.GANESH,
AGED ABOUT 53 YEARS,
PRESIDENT OF
VEDAKSHI GANESH CHARITABLE TRUST AND
VEDAKSHI GANESH EDUCATIONAL INSTITUTION,
CHENNENAHALLI VILLAGE,
PERIYAPATNA TALUK,
MYSURU DISTRICT-571 107.
3. MADEGOWDA. S
S/O. LATE SIDDARAMEGOWDA,
AGED ABOUT 48 YEARS,
WORKING AS HEAD MASTER,
VEDAKSHI GANESH EDUCATIONAL INSTITUTION,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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CHENNENAHALLI VILLAGE,
PERIYAPATNA TALUK,
MYSURU DISTRICT-571 107.

...PETITIONERS

(BY SRI. ROHITH B.J., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO,
PERIYAPATNA POLICE STATION,
MYSURU DISTRICT,
THROUGH STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.
2. SHANKAR H.S.
S/O. LATE SUDINDRA,
AGED ABOUT 41 YEARS,
R/AT R G VILLAGE AND POST,
VIRAJPETE TALUK,
KODAGU DISTRICT.

...RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
SMT.SUMAN HEGDE, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.285/2023 FILED BY PERIYAPATNA POLICE FOR THE OFFENCE P/U/S 120B, 420, 465, 468, 471 R/W 34 OF IPC PENDING BEFORE THE PRINCIPAL CIVIL JUDGE (JR.DN.) AND J.M.F.C. COURT, PERIYAPATNA, MYSURU WHICH COPY IS PRODUCED AS ANNEXURE-A SO FAR AS THESE PETITIONERS WHO ARE NAMED AS ACCUSED NO.5 TO 7 ARE CONCERNED AND ETC.



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THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C., seeking to quash the F.I.R. in Crime No.285/2023 dated 17.12.2023 filed by the Periyapatna Police Station, of Mysore District, against the petitioners and other accused for the offences punishable under Sections 120B, 465, 468, 471, 420 r/w 34 of IPC pending on the file of Prl.Civil Judge (Jr.Dn.) and JMFC Court, Periyapatna, Mysore Dist.

2. The brief facts of the case are that, petitioners i.e., accused Nos.5 and 6 are running an educational institution in the name and style of 'Vedakshi Ganesha Educational Institution' at Periyapatna Taluk and petitioner No.3 i.e., accused No.7 is working as Headmaster in the said school. The wife of respondent No.2 - complainant, approached the school seeking an admission of her daughter in the year 2019. Accordingly her daughter was admitted to first standard. Subsequently as per the request of the mother, the school has



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initially issued a study certificate in which, the admission number was temporarily noted as 50/2019-20, admission number was later entered in the regular ledger as 63/2019-20. As such, respondent No.2 issued a legal notice to the petitioner-School alleging that, with an intention to help his wife, against whom he had instituted matrimonial proceedings, the school authorities had issued a forged certificate. However, petitioner Nos.1 and 2, being the school authorities, issued a reply notice explaining that the initial certificate issued was only a temporary entry and that the final entry would be made at the end of the academic year. Therefore, the difference between the two certificates was only on account of the temporary and final entries made by the school in the ordinary course of its academic records. Despite the said reply notice respondent No.2 lodged complaint before respondent No.1-Police. On the strength of the said complaint, FIR came to be registered in Crime No.285/2023 dated 17.12.2023 for the aforementioned offences. The said FIR is challenged by the petitioners i.e., accused Nos.5 to 7.



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3. Heard the learned counsel for the petitioners and learned HCGP.

4. Apart from urging several contentions, learned counsel for the petitioners primarily contented that, respondent No.2 lodged complaint against these petitioners totally out of vengeance, the petitioners have nothing to do with the incident and, there is no reason for them to issue a forged document as alleged by respondent No.2. According to him, since there is a matrimonial dispute between respondent No.2 and his wife, false complaint has been lodged against these petitioners. Further, the Police have not verified the reply notice issued by the petitioners. Accordingly, he prays to allow the petition.

5. *Per contra*, the learned HCGP opposed the prayer contending that respondent No.2 has alleged forgery against the petitioners and that the said allegation requires investigation by the Police. It is further contended that, since the matter is still at the crime stage, FIR ought not to be quashed at this stage. Accordingly, he prays for dismissal of the petition.



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6. I have given my anxious consideration both on the submission and perused the entire materials available on record.

7. As could be gathered from the records, admittedly, there is a matrimonial dispute pending between respondent No.2 and his wife. In the year 2019, the wife of respondent No.2 admitted their daughter to the school run by the petitioners. With regard to the two entries in the admission certificate, i.e., the study certificates, the school authority, in its reply notice, has stated that the daughter of respondent No.2 was admitted to the school on 05.06.2019. It is further stated that the manual admission register ledger is prepared by the school authorities after completion of the admissions for the academic year, mostly during late July or early August. Before the ledger is written, if any parent requests a study certificate in an emergency, the school authority mentions the application number or SATS roll number or attendance register number, as the case may be; however, the date and year of admission remain the same in all such cases. Consequently, there is a difference in the serial numbers, namely, 50/2019-20 in one



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case and 63/2019-20 in the other. However, in both cases, the date and year of admission remain the same. Nevertheless, this aspect of the matter has not been taken into consideration by respondent No.1-Police while registering the FIR against the petitioners. Moreover, as rightly contended by the learned counsel for the petitioners, there is neither any motive nor any necessity on the part of the petitioners to forge the admission register pertaining to the daughter of respondent No.2. On an overall perusal of the entire material on record, it could be gathered that the complaint filed by respondent No.2 against the petitioners is out of vengeance. The Hon'ble Apex Court in the case of ***Vishal Noble Singh vs. State of Uttar Pradesh and another*** reported in **2024 (14) SCC 112** held in paragraph No.22 as under:

22. We find that in recent years the machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of omission and commission having an adverse impact on the fabric of our society must be nipped in the bud.



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8. In the instant case, it could be gathered from records that respondent No.2 filed the complaint with an oblique motive and agenda due to the vengeance with his wife. The entire allegation in the complaint and FIR are taken on its face value no offence has been made out against these petitioners, being the Head of Institutions and Headmaster.

9. It is by now well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care



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and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

10. In such circumstances, continuation of the proceedings against the petitioners would amount to a sheer abuse of the process of law. As such, the FIR registered against the petitioners/accused Nos.5 to 7 deserves to be quashed. Accordingly, I proceed to pass the following;



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ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against petitioners/accused Nos.5 to 7 in Crime No.285/2023 dated 17.12.2023 registered by Periyapatna Police Station for the offences punishable under Sections 120B, 465, 468, 471, 420 r/w 34 of IPC pending on the file of Prl.Civil Judge (Jr.Dn.) and JMFC Court, Periyapatna, Mysore Dist., is hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 Sl No.: 13