



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 15213 OF 2024 (GM-RES)

BETWEEN:

K.S. RAVIKUMAR
S/O. SIDDAPPA,
AGED 53 YEARS,
R/AT FLAT NO.404, B-8,
KAILASH APARTMENTS
JNANABHARATHI ENCLAVE,
MYSORE ROAD, KENGERI,
BENGALURU - 560 059.

...PETITIONER

(BY SRI. K.S. RAVIKUMAR, PARTY IN PERSON)

AND:

1. STATE OF KARNATAKA
KENGERI POLICE STATION
REP. BY PUBLIC PROSECUTOR
KENGERI - 560 060
2. R. RAMAIAH
S/O RAMAIAH,
AGED ABOUT 65 YEARS,
R/AT FALT NO.504,
B-8 KAILASH APARTMENTS
JNANABHARATHI ENCLAVE,
MYSORE ROAD, KENGERI
BENGALURU - 560 059.

...RESPONDENT

(BY SRI. SURYA MUKUNDARAJ, APP FOR R1
VIDE ORDER DATED 30.07.2024,
NOTICE TO R2 NEED NOT BE ISSUED)

Digitally signed
by ASHWINI
MAYAPPA
MAVARAKAR
Location: High
Court of
Karnataka



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF CR.P.C. PRAYING TO SET-ASIDE THE ORDER DATED 30.03.2024 PASSED BY THE LEARNED 46TH ACMM COURT IN C.C.NO.37929/2022, ANNEXURE-A AND ALSO DIRECT THE DG AND IGP TO APPOINT AN HONEST OFFICER AS PROVIDED UNDER RULE 7 OF THE SC/ST (POA) RULES, 1995 TO CONDUCT RE-INVESTIGATION IN THIS MATTER, INCLUDING RE-CONDUCTING SPOT MAHAJAR, ALSO INVESTIGATE THE CASTE OF THE ACCUSED, RECORD THE STATEMENTS OF THE REAL EYE-WITNESSES AND TO COLLECT OTHER PROBABILITIES, GRANT SUCH OTHER RELIEF.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayer:



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

"Wherefore, it is prayed before this Hon'ble Court may be pleased to set aside the order dated 30.03.2024 passed by the learned 46th ACMM Court in CC No.37929/2022 Annexure-A and also directed the DG&IGP to appoint an HONEST Officer as provided under Rule 7 of the SC/ST (POA) Rules, 1995, to conduct RE-INVESTIGATION in this matter, including re-conducting SPOT MAHAZAR, also investigate the case of the accused, record the statements of the real eye-witnesses and to collect other probabilities, grant such other relief, as may be deemed fit and proper by this Hon'ble Court, in the interest of justice."

3. Facts of the case are as under:

3.1. Petitioner herein filed a private complaint in PCR No.10/2022 which was referred to the police under Section 156(3) of Cr.P.C. for investigation and report.

3.2. Jurisdictional police based on such direction issued by this Court, registered the case in Crime No.137/2022 for the offences punishable under Sections 3(1)(r), 3(1)(u), 3(1)(z), 3(2)(v-a) of Schedule Caste and



Schedule Tribe (Prevention of Atrocities) Accused, 1989 and Sections 504 and 506 of Indian Penal Code, 1860.

3.3. Police after thorough investigation, filed the charge sheet which is now pending before the jurisdictional Magistrate in CC No.37929/2022.

3.4. Petitioner herein filed an application before the Magistrate for reinvestigation of the matter which came to be dismissed by an Order dated 30.03.2024. The validity of the said order is called in question in this petition on the following grounds:

GROUND:

IRREGULARITIES BY THE POLICE

- *The Special court has failed to consider the fact that the accused are influential persons having friends/relatives in the Police department. Firstly, the Kengeri police refused to register FIR even though the complainant reported COGNIZABLE and NON-BAILABLE offence committed by the accused. The police refused to register FIR with an intention of shielding the accused. The Hon'ble Supreme court has held that police is bound to register FIR upon receiving information relating to commission of a*



CNR: KAHC010293382024

cognizable offence u/S 154 of CrPC in the case Lalita Kumari vs Govt. of U.P.& Ors. [AIR 2012 SC 1515].

- *The IO without the knowledge of the complainant has conducted the Spot Mahajar, the IO without taking pictures/videos of the Spot Mahajar, without abiding by the rules provided under the SC and the ST (POA) Rules, 1995 has recorded the statements of the witnesses who are friends of the accused.*
- *Though, the complainant had a clear knowledge of the caste of the accused that he belongs to OBC community, the IO without the knowledge of the complainant submitted a FALSE Interim Report before the Special court seeking transfer of the case file to the Magistrate court on the only ground that the offence u/S 3(1) of the SC/ST Act is not attracted as the accused belongs to ST community. The accused is a REPEATED OFFENDER. The ACP (Chickpete) has filed such FALSE report with an intention of saving the accused from punishment, which in itself is punishable under section 201 of IPC. The ACP (Chickpete) has submitted false report that the accused belongs to KADU KURUBA community. The accused belongs to KURUBA caste, which is categorized under the OTHER BACKWARD CASTE (OBC for short).*
- *The ACP (Chickpete) colluded with the accused and witnesses in filing a weak charge sheet before this Hon'ble court. The ACP (Chickpete) has not recorded the statements of the complainant and his wife, but recorded*



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

the statements of friends of the accused in filing this weak charge sheet. Though, Pampapati was not present at the spot of the incident, he has been planted as a eye-witness. Pampapati is a close friend of the accused and he has given false statements to the police in another case i.e. Crime No.22/2022 registered by the Kengeri PS. Therefore, the investigation has been conducted in a tainted manner from the beginning.

ACCUSED NEED NOT BE HEARD ON THE APPLICATION FOR FURTHER INVESTIGATION/REINVESTIGATION

- *The Apex court has held that that the accused need not be heard on an Application filed u/S 173(8) of CrPC. In the case, Satishkumar Nyalchand Shah vs State of Gujarat & Ors., the Supreme court has held the following:*

6.1..... Therefore, the short question which is posed for consideration of this Court is whether in the facts and circumstances of the case, the appellant-one of the co-accused against whom the charge-sheet is already filed and against whom the trial is in progress, is required to be heard and/or has any locus in the proceedings under Section 173(8) CrPC further investigation qua one another accused namely Shri Bhaumik against whom no charge-sheet has been filed till date?

➤ *7. Having heard learned counsel appearing on behalf of the respective parties and the private respondent herein, we are of the opinion that as such no error has been committed by the High Court dismissing the application submitted by the appellant herein to implead him in the Special Criminal Application filed by the private respondent herein challenging the order passed by the learned Chief Judicial Magistrate*



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

rejecting his application for further investigation under Section 173(8) CrPC with respect to one another accused namely Shri Bhaumik against whom no charge-sheet has been filed till date. Therefore, it is not at all appreciable how the appellant against whom no relief is sought for further investigation has any locus and/or any say in the application for further investigation under Section 173(8) CrPC. How he can be said to be a necessary and a proper party. It is required to be noted that, as such, even the proposed accused Shri Bhaumik shall not have any say at this stage in an application under Section 173(8) CrPC for further investigation, as observed by this Court in the case of W.N. Chadha (supra); Narender G. Goel (supra) and Dinubhai Baghabhai Solanki (supra). In the case of Dinubhai Baghabhai Solanki (supra) after considering one another decision of this Court in the case of Sri Bhagwan Samardha v. State of A.P (1999) 5 SCC 740, it is observed and held that there is nothing in Section 173(8) CrPC to suggest that the court is obliged to hear the accused before any direction for further investigation is made. In Sri Bhagwan Samardha (supra), this Court in paragraph 11 held as under:

"11. In such a situation the power of the court to direct the police to conduct further investigation cannot have any inhibition. There is nothing in Section 173(8) to suggest that the court is obliged to hear the accused before any such direction is made. Casting of any such obligation on the court would only result in encumbering the court with the burden of searching for all the potential accused to be afforded with the opportunity of being heard. As the law does not require it, we would not burden the Magistrate with such an obligation."

- *Therefore, when the proposed accused against whom the further investigation is sought, namely Shri Bhaumik is not required to be heard at this stage, there is no question of hearing the appellant-one of the co-accused against whom the chargesheet is already filed and the*



CNR: KAHC010293382024

**NC: 2026:KHC:50822
WP No. 15213 of 2024**

trial against whom is in progress and no relief of further investigation sought against him. Therefore, the High Court is absolutely justified in rejecting the application submitted by the appellant to implead him as a party respondent in the Special Criminal Application.

- *The report submitted by the CRE Cell, Bangalore revealed that the accused fraudulently obtained caste certificate and that the accused procured job in the Backward Classes Welfare Department based on the False caste certificate, thereby cheating not only the Government and Employer but also the persons belonging to the KADU KURUBA community, who genuinely deserved the job. The accused, his son R.Suresh and his daughter R.Manju have fraudulently obtained FALSE caste certificates that they belong to KADU KURUBA community. The report submitted by the DCRE is forwarded before the District Level Caste Verification Committee for the cancellation of such Caste certificates fraudulently obtained by the accused.*
- *The police have colluded with the accused and is biased against the complainant. Whereas no hardship, inconvenience and prejudice will be caused to the accused if the present petition is allowed. On the contrary, irreparable loss, hardship, inconvenience and prejudice that are going to be caused to the complainant cannot be compensated by any other means. Furthermore, not only the very purpose of filing this petition and justice will be defeated, but the same will give room for multiplicity of*



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

proceedings. Injustice caused will lead to MULTIPLICITY OF CASES, causing unnecessary burden on the victims financially.

In the case, State of Punjab vs CBI (SLP (CRIMINAL) No.792/2008, 2011 (9) SCC 182) decided on 02.09.2011, the Supreme court held that:-

14. Section 482 of the Cr.P.C., however, states that nothing in the Cr.P.C. shall be deemed to limit or affect the inherent powers of the High Court to make such orders as is necessary to give effect to any order under the Cr.P.C. or to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. Thus, the provisions of the Cr.P.C. do not limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Court or to prevent the abuse of any process of the Court or otherwise to secure the ends of justice. The language of sub-section (8) of Section 173 of the Cr.P.C., therefore, cannot limit or affect the inherent powers of the High Court to pass an order under Section 482 of the Cr.P.C. for fresh investigation or re-investigation if the High Court is satisfied that such fresh investigation or re-investigation is necessary to secure the ends of justice.

In Bohatie Devi (Dead) Through LR vs State of Uttar Pradesh & Ors[Crl.App.No.1294/23, 2023 LiveLaw (SC) 376] on 28.04.23, Apex court held that:-

7.1 There cannot be any dispute that even after the chargesheet is filed, it is the right of the investigating officer to further investigate in respect of offence even after a report under sub-section (2) of Section 173 of Cr.PC forwarded to a Magistrate and as observed and held by this Court the prior approval of the Magistrate is not required. However, as per the settled position of



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

law, so far as the reinvestigation is concerned, the prior permission/approval of the Magistrate is required.

7.2 In any case, as it is a case of reinvestigation, the same is not permissible and that too by another agency without the prior permission of the learned Magistrate even while exercising the powers under Section 173(8) of the Cr.PC.

In Devendra Nath Singh vs State of Bihar & Ors. ([CRL.APP.No. 1768/2022](#), 2022 LiveLaw (SC) 835) decided on 12.10.2022, the Supreme court held that:-

In Devendra Nath Singh vs State of Bihar & Ors. ([CRL.APP.No. 1768/2022](#), 2022 LiveLaw (SC) 835) decided on 12.10.2022, the Supreme court held that:-

(c) Even when the basic power to direct further investigation in a case where a charge-sheet has been filed is with the Magistrate, and is to be exercised subject to the limitations of Section 173(8) CrPC, in an appropriate case, where the High Court feels that the investigation is not in the proper direction and to do complete justice where the facts of the case so demand, the inherent powers under Section 482 CrPC could be exercised to direct further investigation or even reinvestigation. The provisions of Section 173(8) CrPC do not limit or affect such powers of the High Court to pass an order under Section 482 CrPC for further investigation or reinvestigation, if the High Court is satisfied that such a course is necessary to secure the ends of justice.



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

*In Anant ThanurKarmuse vs State of Maharashtra &Ors
(Crl.App. No.13/2023; 2023 LiveLaw (SC) 136) decided
on 24.02.2023, the Supreme court held:*

41.3. If deficiency in investigation or prosecution is visible or can be perceived by lifting the veil which try to hide the realities or covering the obvious deficiency, Courts have to deal with the same with an iron hand appropriately within the framework of law

41.4. It is as much the duty of the prosecutor as of the Court to ensure that full and material facts are brought on record so that there might not be miscarriage of justice.

8.2 In the case of Dharam Pal (supra), after taking into consideration the catena of decisions on the point, it is observed and held that the constitutional courts can direct for further investigation or investigation by some other investigating agency. It is observed that the purpose is, there has to be a fair investigation and a fair trial. It is observed that the fair trial may be quite difficult unless there is a fair investigation. It is further observed and held that the power to order fresh, de novo or reinvestigation being vested with the constitutional courts, the commencement of a trial and examination of some witnesses cannot be an absolute impediment for exercising the said constitutional power which is meant to ensure a fair and just investigation. While observing and holding so, in paragraphs 24 and 25, it is observed and held s under:-

"24. Be it noted here that the constitutional courts can direct for further investigation or investigation by some other investigating agency. The purpose is, there has to be a fair investigation and a fair trial. The fair trial may be quite difficult unless there is a fair investigation...

25. We may further elucidate. The power to order fresh, de novo or reinvestigation being vested with the constitutional courts, the commencement of a trial and



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

examination of some witnesses cannot be an absolute impediment for exercising the said constitutional power which is meant to ensure a fair and just investigation. It is the bounden duty of a court of law to uphold the truth and truth means absence of deceit, absence of fraud and in a criminal investigation a real and fair investigation, not an investigation that reveals itself as a sham one. It is not acceptable. It has to be kept uppermost in mind that impartial and truthful investigation is imperative.

11. Applying the law laid down by this Court in the case of Dharam Pal (supra) and Bharati Tamang (supra) and to do the complete justice and in furtherance of fair investigation and fair trial, the constitutional courts may order further investigation/reinvestigation / de novo investigation even after the charge sheet is filed and the charges are framed. If the submission on behalf of the accused and even as observed by the High Court that once the chargesheet is filed and the charges are framed, there may not be any order for further investigation / re-investigation / de novo investigation is accepted, in that case, the accused may see to it that the charges are framed to avoid any fair investigation / fair trial. It would lead to travesty of justice.

12.3 Be that as it may, even according to the State investigating agency, the further investigation is required. As observed and held by this Court in the aforesaid decisions, the victim has a fundamental right of fair investigation and fair trial. Therefore, mere filing of the chargesheet and framing of the charges cannot be an impediment in ordering further investigation / re-investigation / de novo investigation, if the facts so warrant.

- *The petitioner has not filed any similar petition either before this Hon'ble court or before any other court of law on the similar cause of action. The petitioner has no other alternative efficacious remedy but to approach this Hon'ble court for the relief prayed for herein and if the same are granted, they shall be complete.*



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

GROUND'S FOR INTERIM PRAYER

- *Free and fair investigation is the fundamental right of the citizen, as guaranteed under Article 21 of the Constitution of India. The investigation should be judicious, fair, transparent and expeditious to ensure compliance with the basic rule of law. These are the fundamental canons of our criminal jurisprudence and they are quite in conformity with the constitutional mandate contained in Articles 20 and 21 of the Indian Constitution. Equally enforceable canon of the criminal law is that, high responsibility lies upon the investigating agency not to conduct an investigation in tainted and unfair manner. The investigation should not prima facie be indicative of a biased mind and every effort should be made to bring the guilty to law as nobody stands above law. The 1.O colluded with the accused in falsely submitting that the accused belongs to ST community without verifying the caste certificate of the accused. The Special court also blindly transferred the case to the 32nd ACMM court without verifying the CASTE of the accused.*

4. Sri. K.S. Ravishankar, Party-in-person reiterating the grounds urged in the petition would contend that the application ought to have been allowed by the learned Trial Judge and the matter ordered to be



CNR: KAHC010293382024

reinvestigated as very same police in an earlier proceedings in respect of the accused Ramaiah had filed a report before the jurisdictional Court that said Ramaiah belongs to 'Hindu Kuruba' community which is a other backward caste. Therefore, in the present case, treating Ramaiah belonging to Scheduled Tribe community and dropping the charges leveled against him for the offences punishable under the provisions of the SC ST (POA) Act has resulted in miscarriage of justice and sought for allowing the petition.

5. Sri. Ravikumar would further contend that this Court can exercise the power vested in it under Section 482 of the Code of Criminal Procedure and order for reinvestigation and thus sought for allowing the petition.

6. Per contra, Sri. Surya Mukundaraj, learned Additional Public Prosecutor would contend that application filed by the petitioner herein is rightly rejected by the Trial Judge as Trial Judge does not possess the power to order



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

for reinvestigation and thus sought for dismissal of the petition.

7. Having heard the arguments of both sides, this Court perused the material on record meticulously.

8. On such perusal of the material on record, it is noted that FIR no doubt came to be registered as aforesaid for the offences including the offences under the provisions of the SC ST (POA) Act.

9. However, while filing the charge sheet, Investigation Officer has left out the charges under the provisions of the SC ST (POA) Act on the ground that the accused Ramaiah belongs to Scheduled Tribe community.

10. Sri. Ravikumar would contend that very same police on the earlier occasion in respect of some other case, has filed report before the jurisdictional Court that said Ramaiah belongs to 'Hindu Kuruba' community and therefore he is not a person who belongs to Scheduled



Tribes. As such, the charge sheet suffers from grave infirmity and thus sought for reinvestigation of the matter before the Trial Magistrate by filing an application under Section 173(8) of the Code of Criminal Procedure.

11. Learned Trial Magistrate after entertaining the objections of the prosecution rejected the petition that on the ground that such a power is not available to the jurisdictional Magistrate.

12. Section 173(8) of the Code of Criminal Procedure was pressed into service by the present petitioner before the Trial Magistrate.

13. To appreciate the power of the Magistrate under Section 173(8) of the Code of Criminal Procedure, it is just and necessary to cull out said provision which reads as under:

Section 173(8) - Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such



CNR: KAHC010293382024

investigation, the officer-in-charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).

14. On careful reading of the above provision, the prayer of the petitioner to reinvestigate the matter insofar as the offences under the provisions of SC ST (POA) Act was rightly rejected by the Trial Magistrate, as Trial Magistrate has no power to order for re-investigation.

15. Further more, the power to order for reinvestigation or fresh investigation vest with the Higher Courts as per the settled principles of law.

16. Therefore, rejection of the application filed by the petitioner herein thus cannot be found fault with.



CNR: KAHC010293382024

NC: 2026:KHC:50822
WP No. 15213 of 2024

17. As such, the following Order:

ORDER

Writ Petition is ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

SNC
List No.: 1 Sl No.: 0