



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

R

BEFORE

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

CRIMINAL PETITION NO.4013 OF 2017

C/W

CRIMINAL PETITION NO.1220 OF 2017

CRIMINAL PETITION NO.2739 OF 2017

CRIMINAL PETITION NO.4261 OF 2020

IN CRL.P NO.4013/2017

BETWEEN:

M RAMAMURTHY
S/O MUDDARANGAIAH
AGED ABOUT 40 YEARS
NO.63, BHUWANESHWARINAGAR
DASARAHALLI
TUMKUR ROAD
BANGALORE - 560 057

WORKING AS A SURVEYOR
BENGALURU NORTH
ADDITIONAL TALUK OFFICE
YELAHANKA
BANGALORE

...PETITIONER

(BY SRI K DIWAKARA, SR. COUNSEL FOR
SRI ABHISHEK K, ADVOCATE A/W
SRI HITESH GOWDA B J & ANANYAA SHRIKANT, ADVOCATES)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010302722017

NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

AND:

1. SUPERINTENDENT OF POLICE
ANTI-CORRUPTION BUREAU
NO.49, KHANIJA BHAVANA
RACE COURSE ROAD
BENGALURU - 560 001
[DELETED V/O DT.23.09.2022]
2. COMMISSIONERS
SURVEYOR, REVENUE DECISION
AND RECORDS DEPARTMENT
K.R.CIRCLE,
BANGALORE - 560 001
3. STATE OF KARNATAKA
REP. BY KARNATAKA LOKAYUKTA POLICE
REP. BY ITS SPECIAL PUBLIC PROSECUTOR
M S BUILDING
BENGALURU-560 001
[AMENDED V/O DT.23.09.2022]

...RESPONDENTS

(BY SRI B B PATIL, SPL. PP FOR R3;
V/O DT.23.09.2022, R1 IS DELETED FROM
THE ARRAY OF PARTIES)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE NOTICE ISSUED TO COMMISSIONER, SURVERYOR,
REVENUR DECISION AND RECORDS DEPARTMENT TO
CONDUCT THE INVSTIGATION DATED 16.03.2017 VIDE
ACB/BANGALORE CITY/COMPLAINT APPLICATION143/17 AT
ANNEXURE-A



CNR: KAHC010302722017

NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

IN CRL.P NO.1220/2017

BETWEEN:

MR. MANJUNATH B R
S/O K RAMAPPA
AGED ABOUT 38 YEARS
THE THASHILDAR
BANGALORE NORTH (ADD) TALUK
BANGALORE-560064

...PETITIONER

(BY SRI LEELA P DEVADIGA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY YELAHANKA POLICE STATION
REP. BY S.P.P.
HIGH COURT OF KARNATAKA
BANGALORE-560 001
2. SMT. DHANALAKSHMI, IAS
THE LAND REVENUE OFFICER (SOUTH)
BANGALORE DEVELOPMENT AUTHORITY
BANGALORE – 560020
3. MR. NARENDRA KUMAR K.M.
SURVEYOR
BANGALORE DEVELOPMENT AUTHORITY
BANGALORE – 560020
4. MR. SHASIDHAR Y.T.
SURVEYOR
BANGALORE DEVELOPMENT AUTHORITY
BANGALORE – 560020

...RESPONDENTS

(BY SRI. SUHAS GOWDA M, HCGP FOR R1;
SRI CHETAN JADHAV, ADVOCATE FOR R2 TO R4)



CNR: KAHC010302722017

NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 18.01.2017 AND FIR IN CR.NO.22/2017 REGISTERED BY THE YELAHANKA POLICE STATION, YELAHANKA, BANGALORE FOR THE OFFENCE P/U/S 120(B), 468, 471 R/W 34 OF IPC AND SEC. 192(A) OF THE KARNATAKA LAND REVENUE ACT, 1964 AND ETC.

IN CRL.P NO. 2739/2017

BETWEEN:

M RAMAMURTHY
S/O MUDDARANGAIAH
AGED ABOUT 40 YEARS
NO.63, BHUWANESWARINAGAR
DASARAHALLI, TUMKUR ROAD
BANGALORE - 560 057

WORKING AS A SURVEYOR
BENGALURU NORTH
ADDITIONAL TALUK OFFICE
YELAHANKA
BANGALORE

...PETITIONER

(BY SRI K DIWAKARA, SR. COUNSEL FOR
SRI ABHISHEK K, ADVOCATE A/W
SRI HITESH GOWDA B J & ANANYAA SHRIKAN,
ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
YELAHANKA POLICE
BANGALORE CITY

REP. BY PUBLIC PROSECUTOR
HIGH COURT COMPLEX
HIGH COURT



CNR: KAHC010302722017

NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

2. SUPERINTENDENT OF POLICE
ANTI CORRUPTION BUREAU
NO.49, KHANIJA BHAVANA
RACE COURSE ROAD
BENGALURU - 560 001
3. COMMISSIONERS
SURVEYOR REVENUE DECISION
AND RECORDS DEPARTMENT
K.R.CIRCLE
BANGALORE - 560 001

...RESPONDENTS

(BY SRI B B PATIL, SPL.PP FOR R2;
SRI SUHAS GOWDA M, HCGP FOR R1 & R3)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR AND COMPLAINT IN CR.NO.22/2017
AGAINST THE PETITIONER HEREIN, PENDING BEFORE THE
XLIV ADDL.C.M.M., BANGALORE VIDE ANNEXURE-A AND B
DATED 18.01.2017 AND ETC.

IN CRL.P NO.4261/2020

BETWEEN:

SRI SANDEEP SINGH
AGED ABOUT 45 YEARS
VILLAGE ACCOUNTANT
THARABANAHALLI CIRCLE
JALA HOBLI,
BANGALORE NORTH (ADDITIONAL) TALUK
YELAHANKA BANGALORE-56

...PETITIONER

(BY SRI. ARNAV A BAGALWADI, ADVOCATE)



CNR: KAHC010302722017

NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

AND:

1. THE STATE OF KARNATAKA
BY ANRI CORRUPTION BUREAU
REP BY SPP
HIGH COURT OF KARNATAKA
BANGALORE-560001
[DELETED V/O DT.14.09.2022]
 2. SRI K JAIPRAKASH
THE JOINT DIRECTOR OF LAND RECORDS
DEPUTY COMMISSIONER'S OFFICE
4TH FLOOR, K G ROAD
BANGALORE URBAN DISTRICT
BANGALORE-560001
 3. KARNATAKA LOKAYUKTA
REP. BY ITS SPP
B R AMBEDKAR ROAD
M S BUILDING
BANGALORE-01
[AMENDED V/O DT.14.09.2022]
- ...RESPONDENTS
- (BY SRI. B B PATIL, ADVOCATE FOR R3;
SRI SUHAS GOWDA M, HCGP FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE COMPLAINT DATED 23.01.2017 REGISTERED
BY ACB P.S., AND FIR IN CR.NO.16/2017 PENDING BEFORE
THE FILE OF THE XXIII ADDITIONAL CITY CIVIL AND
SESSIONS COURT, BANGALORE AGAINST THE PETITINER
FOR THE OFFENCES P/U/S 13(1)(C), 13(1)(D) R/W 13(2)
OF P.C ACT AND SEC.409, 465, 468, 471 R/W 120B OF IPC
AND ETC.



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

THESE PETITIONS, COMING ON FOR FINAL HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Heard the learned counsel appearing for the respective parties.

2. The CrI.P.No.4013/2017 is filed praying this Court to quash the notice dated 16.03.2017 and also the FIR in Cr.No.16/2017 for the offences under Section 13(1)(c), 13(1)(d) and Section 13(2) of P.C. Act and also for the offences punishable under Sections 409, 465, 468, 471 and 120B of IPC.

3. The CrI.P.No.1220/2017 is filed praying this Court to quash the complaint dated 18.01.2017 and FIR in Cr.No.22/2017 for the offences under Sections 120B, 468, 471 read with Section 34 of IPC and Section 192A of the Karnataka Land Revenue Act, 1964.

4. The CrI.P.No.2739/2017 is filed praying this Court to quash the FIR, Complaint in Cr.No.22/2017 and Notice at



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

Anenxure-A, B and C for the offences under Sections 120B, 468, 471 read with Section 34 of IPC and Section 192A of the Karnataka Land Revenue Act, 1964.

5. The Crl.P.No.4261/2020 is filed praying this Court to quash the complaint dtd 23.01.2017 and FIR in Cr.No.16/2017 for the offences under Section 13(1)(c), 13(1)(d) and Section 13(2) of P.C. Act and also for the offences punishable under Sections 409, 465, 468, 471 and 120B of IPC.

6. The factual matrix of case in Crl.P.No.4013/2017 that this petition is filed against one M Ramamurthy against the offences invoked by the earlier Anti-Corruption Bureau, presently, Lokayukta and the allegations made in the complaint dated 17.04.2017 that this petitioner and another petitioner in Crl.No.4261/2020, who has been arraigned as accused No.3 have indulged in creating of fake documents and thereby causing loss to the State. The petitioner, who was serving as both the Surveyor and the Village Accountant, prepared the document in respect of 5 acres of tank-bund area out of the total extent of 25.11 acres in Sy. No. 75 of Navaratna Agrahara Village, Jala Hobli, Bengaluru North. Subsequently, after



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

completion of the phodi proceedings, the said portion was assigned a new survey number, namely Sy.No.163. Hence, case has been registered in Crime No.16/2017 invoking the offences under Section 13(1)(c), 13(1)(d) and Section 13(2) of P.C. Act and also for the offences punishable under Sections 409, 465, 468, 471 and 120B of IPC.

7. The other two petitions in Crl.P.Nos.1220/2017 and 2739/2017 are filed against accused No.1 and 4 respectively in respect of the Cr.No.22/2017 based on the complaint given to the police and the offences invoked in respect of the said crime are under Sections 120B, 468, 471 read with Section 34 of IPC and Section 192A of the Karnataka Land Revenue Act, 1964.

8. The counsel appearing for the petitioner in Crl.P.No.2739/2017 would submit that petitioner was working as a Surveyor and he was transferred from Arasikere to Yelahanka vide General Transfer Notification dated 19.06.2002 and he was reported to duty on 28.06.2012. The allegation against this petitioner is also that he has indulged in forgery and creation of fake document in respect of Sy.No.75 alleging that after the phodi work, given new number as Sy.No.163. The



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

complaint was given by the earlier Tahsildar. The counsel would submit that in order to save the skin of the earlier complainant, the alleged allegation is made subsequently against this petitioner as he has indulged in creation of document and forged the same.

9. Learned Senior counsel appearing for the petitioner in Crl.P.No.4013/2017 would contend that case is registered by the then ACB and present Lokayukta invoking the offence under Section 13(1)(c) and 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 based on the same complaint. The counsel would submit that petitioner was working in 2008 and he was transferred in 2012 and counsel also would submit that a departmental enquiry was held against him, wherein he was exonerated vide order dated 15.12.2023. The counsel also would contend that there cannot be two FIRs in respect of the allegations and contend that the petitioner is ready to face investigation, but there cannot be prosecution against this petitioner in respect of subsequent act, since he was discharging his duties in between 2008-2012.



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

10. Learned counsel appearing for the petitioner in Crl.P.No.1220/2017 i.e. accused No.1 would submit that he was appointed as Tahsildar and he was working in 2016 and thereafter, he was transferred and complaint was given in 2017 and similar allegations are made against this petitioner also. But, counsel would submit that after receiving the letter issued by the Assistant Commissioner, the petitioner herein sent a reply in terms of Annexure-F stating that necessary action has already been undertaken in the matter on issue. The copy of reply of the petitioner dated 19.01.2017 is produced as Annexure-C of the office records. The counsel would submit that Assistant Commissioner has submitted a report to ACB as per Annexure-G, but no report against this petitioner as per Annexure-G and no allegation even while invoking Section 192-A of the Karnataka Land Revenue Act, 1964.

11. Learned counsel appearing for the petitioner in Crl.P.No.4261/2020 submits that he worked as a Village Accountant in 2016 and similar allegation is made against this petitioner as that of petitioner in Crl.P.No.4013/2017 which is also based on the second complaint and second FIR is



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

registered by the then ACB and subsequently, the same is dealt by Lokayukta and the was not having any documents and no such documents was in his custody and even he had not signed the same. It is contended by the counsel that phodi work was also done by the Survey Department and there is no creation of any document by the petitioner and no role is alleged against this petitioner and phodi work is also to be done by the Survey Department and not the Revenue Department. Hence, the very initiation of proceedings against these petitioners is erroneous and there cannot be an abuse of process against these petitioners, since no role is played by these petitioners.

12. Learned counsel appearing for respondent Nos.2 to 4 in Crl.P.No.1220/2017 would submit that when the complaint was given by the complainant in 2017, specific allegation is made in the complaint that creation of document was made in respect of the property which belongs to the Government. When such allegation is made, the truth has to be unearthed by the Investigating Officer and there cannot be quashing of proceedings and specifically alleged involvement of persons in creation of document and forging of signatures in creation of



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

documents which has caused loss to the State.

13. Learned Special Public Prosecutor appearing for Lokayukta would submit that first complaint was given to the police the then Revenue Inspector and Surveyors on 18.01.2017, wherein specific allegations are made that petitioners have indulged in creation of fake documents and specific allegations are also made that when they found creation of fake documents and forgery, specifically mentioned the name of persons and case was registered for the IPC offences and also for the offence under Section 192-A of the Karnataka Land Revenue Act, 1964. He would also contend that second FIR is based on the complaint dated 23.01.2017 filed by the Joint Director of Land Records to ACB. The counsel would contend that having received the said complaint, preliminary enquiry was conducted by the then ACB and FIR was registered on 17.04.2017 for the offences under Sections 13(1)(c), 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 and Sections 409, 465, 468, 471 read with Section 120-B of IPC, wherein the accused persons named are Mr. M. Ramamurthy, Sandeep Singh, T.G. Bharathi and R. Muralidar.



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

14. Learned Special Public Prosecutor appearing for Lokayukta would vehemently contend that there cannot be a contention that two cases are registered in respect of one complaint. The counsel would contend that when the complaint was given by the officials, who are working in BDA and also by the Surveyors making specific allegation that forging their signature, created the document, matter requires to be investigated. The counsel also brought to notice of this Court report given by the Joint Director of Land Records and based on the same, complaint was registered and specific allegations are made in respect of accused Sri M. Ramamurthy and so also, in respect of Sandeep Singh, who is working as a Village Accountant and report is also very clear about involvement of these persons.

15. In support of his argument, he relied upon judgment of the Apex Court in **ANJU CHAUDHARY vs. STATE OF U.P. AND ANR.** reported in **2013 AIR SCW 245** and brought to notice of this Court paragraph No.15, wherein an observation is made that on the plain construction of the language and scheme of Sections 154, 156 and 190 of the



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

Code, it cannot be construed or suggested that there can be more than one FIR about an occurrence. However, the opening words of Section 154 suggest that every information relating to commission of a cognizable offence shall be reduced to writing by the Officer-in-charge of a Police Station. This implies that there has to be the first information report about an incident which constitutes a cognizable offence. The purpose of registering an FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report in terms of Section 173(2) of the Code.

16. The counsel also relied upon judgment of Apex Court in **AMITBHAI ANILCHANDRA SHAH vs. THE CENTRAL BUREAU OF INVESTIGATION & ANR.** in **Writ Petition (Criminal) No.5/2013** dated **08.04.2013** and brought to notice of this Court discussion made in conclusion in paragraph No.53 that charge sheet is violative of fundamental rights under Articles 14, 20 and 21 of the Constitution, since the same relate to alleged offence in respect of which an FIR had already been filed and the Court has taken cognizance. This Court categorically accepted the CBI's plea that killing of



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

Tulsiram Prajapati is a part of the same series of cognizable offence forming part of the first FIR and inspite of the fact that this Court directed the CBI to "take over" the investigation and did not grant the relief as prayed, namely, registration of fresh FIR, the present action of CBI filing fresh FIR is contrary to various judicial pronouncements which is demonstrated in the earlier part of the judgment. In view of the discussion above, in paragraph No.54 comes to the conclusion that second FIR dated 29.04.2011 being R.C.No.3(S)/2011/Mumbai filed by the CBI is contrary to the directions issued in judgment and order dated 08.04.2011 by this Court in Writ Petition (Criminal) No.115/2009 and accordingly, the same is quashed. As a consequence, the charge sheet filed on 04.09.2012, in pursuance of the second FIR, be treated as a supplementary charge sheet in the first FIR. It is made clear that we have not gone into the merits of the claim of both the parties and it is for the trial Court to decide the same in accordance with law.

17. Learned Special Public Prosecutor appearing for the respondent-Lokayukta would submit that, in the said judgment, the Apex Court has elaborated the legal principles



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

regarding invocation of the offence. The counsel also vehemently contend that when special enactment is invoked in the subsequent FIR registered by the Lokayukta and when the first complaint was given to the police, the police cannot invoke the offences under the Prevention of Corruption Act, 1988. Even while filing the charge sheet, the Investigating Officer could consider both the materials and invoke the offences, if any overlapping while filing the final report. But, only question before the Court is registration of the FIR and investigation and Court cannot come in the way of investigation. Hence, prays this Court to dismiss all the petitions.

18. Having heard learned counsels appearing for the petitioners, learned counsel appearing for the respondents and learned Special Public Prosecutor appearing for Lokayukta, the questions before this Court is with regard to registration of crime by both the police as well as Lokayukta police. It is not in dispute that complaint was given to the police by the Revenue Officer and also the officials of the Survey Department alleging forging of their signature and creation of revenue document as well as survey documents. Learned counsel appearing for the



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

petitioner, particularly in Crl.P.No.2739/2017 is that he was working as Surveyor and was posted to Yelahanka, consequent upon the order passed on 19.06.2002. The counsel would contend that incident refers to 2008 and at that time, he was not there. The contention of learned counsels appearing for other petitioners in Crl.P.Nos.4013/2017, 1220/2017, 2739/2017 and Crl.P.No.4261/2020 is also that there cannot be two FIRs. But, the Court has to take note of the fact that first complaint is filed by the revenue officials and the survey department and the other case was registered by Lokayukta based on Annexure-G dated 23.01.2017 which has been relied upon by learned counsel appearing for the petitioner in Crl.P.No.4261/2020.

19. No doubt, when there was an allegation and enquiry was conducted and certain materials are found against the petitioners with regard to creation of document by giving new number i.e., No.163 in respect of Survey No.75 that too, including the tank bund area and indulged in such act, whether the same was done during the period of these petitioners or subsequently, the same is a matter of investigation.



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

20. The Apex Court also in the judgment in **DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104**, while considering the issue involved in a case of quashing of FIR held in paragraph No.25 that the law on the question as to when a registration of the FIR is challenged seeking its quashing by the accused under Article 226 of the Constitution or Section 482 of the Code and what are the powers of the High Court and how the High Court should deal with such question is fairly well settled. The Apex Court also in paragraph No.26 referred the judgment in **STATE OF W.B. vs. SWAPAN KUMAR GUHA** reported in **(1982) 1 SCC 561** and while considering the issue with regard to quashing of FIR in paragraph No.30 held that, High Court could not appreciate the evidence nor could draw its own inferences from the contents of the FIR and the material relied on. It was more so when the material relied on was disputed by the complainants and vice versa. In such a situation, it becomes the job of the investigating authority at such stage to probe and then of the Court to examine the questions once the charge-sheet is filed



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

along with such materials as to how far and to what extent reliance can be placed on such material. It is further observed in paragraph No.31 that once the Court finds that the FIR does disclose prima facie commission of any cognizable offence, it should stay its hand and allow the investigating machinery to step into initiate the probe to unearth the crime in accordance with the procedure prescribed in the Code.

21. Having considered the principles laid down in the judgment and also considering the factual aspects of the case, when the subsequent Revenue officials and also the employees of Survey Department makes an allegation that their signatures are forged and created both revenue as well as survey documents and indulged in such act and when specific allegations are made, whether it was done during the period of these petitioners or subsequently, the same has to be unearthed by the Police. But, the contention of the petitioner in Crl.P.No.2739/2017 and Crl.P.No.4013/2017 is that they worked from 2008-2012 and during that period, there was no such manipulation and the same cannot be accepted while considering the grounds urged and the same is the duty of the



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

Investigating Officer to investigate and take a decision in which period the said manipulation and creation of documents have taken place.

22. With regard to the other contention of registration of two FIRs and the same is also a matter for consideration during the course of investigation. Only law is set in motion by the Lokayukta, since the Lokayukta has got powers to investigate the matter in respect of the offences under Sections 13(1)(c) and 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 and earlier FIR is by the police with regard to IPC offences and offence under the Karnataka Land Revenue Act. In respect of the special enactment is concerned, only the competent jurisdictional Investigating Officer can investigate the matter. The principles laid down in the judgments referred (supra) by learned Special Public Prosecutor for Lokayukta is also with regard to registration of two FIRs are concerned and in the case on hand, the counsel brought to notice of this Court that first complaint was registered by the officials of the Revenue Department and also the Survey Department and subsequent complaint is registered based on



NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

Annexure-G which was referred by the learned counsel for petitioner in Crl.P.No.1220/2017 i.e., the report submitted by the Joint Director of Land Records, wherein also certain allegations are made.

23. When such being the case, this Court cannot curb the duty of Investigating Officers in particular agencies in conducting an investigation. If no such offences are committed by these petitioners during their period, they will be set free while filing the charge sheet. But, it requires investigation in view of the serious allegations of creation of revenue as well as survey documents that too, in respect of tank bund area belonging to the State and creation of documents is in respect of the property belonging to the State causing loss to the State and investigation has to be conducted to unearth the truth. When such being the material on record, I do not find any force in the contentions of respective counsels for the petitioners to quash the proceedings initiated against them, in view of judgment of the Apex Court in ***Dineshbhai Chandubhai Patel's*** case.



CNR: KAHC010302722017

NC: 2026:KHC:53332
CRL.P No. 4013 of 2017
C/W CRL.P No. 1220 of 2017
CRL.P No. 2739 of 2017
AND 1 OTHER

24. In view of the discussion made above, I pass the following:

ORDER

The criminal petitions are ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

SN,ST
List No.: 1 Sl No.: 37