



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 22ND DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO.8011 OF 2021

BETWEEN:

SRI CHARAN L
S/O LAKSHMAN
AGED ABOUT 35 YEARS
R/AT NO.1550, 2ND CROSS
SOPPANAKERI, MANDIMOHALA
MYSORE - 570 023,
REP BY ADVOCATE KIRAN M.M.,

...PETITIONER

(BY SRI M.S.SHYAMSUNDAR, SR. COUNSEL FOR
SRI KIRAN M M., ADVOCATE)

AND:

1. SRI.P.S.NAYAK
HON BLE VICE CHANCELLOR
MYSORE UNIVERSITY
MYSORE, KARNATAKA.
2. THE STATE OF KARNATAKA
BY LAKSHMIPURAM POLICE STATION
MYSORE, REP BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI ABHISHEK K., ADVOCATE FOR R1;
SMT. SOWMYA R., HCGP FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET
ASIDE THE IMPUGNED ORDER DATED 12.06.2013 AT

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



ANNEXURE-A TAKING COGNIZANCE AGAINST THE PETITIONER /ACCUSED NO.13 FOR OFFENCE P/U/S.468,471, 420 R/W SEC.34 OF IPC IN C.C.NO.1086/2013 ARISING OUT OF CR.NO.85/2011 NOW PENDING ON THE FILE OF THE VIII ADDITIONAL I CIVIL JUDGE AND JMFC, MYSURU.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 12.06.2013 passed in CC no.1086/2013 by I Addl. Civil Judge (Jr.Dn.) and J.M.F.C., Mysuru for offences punishable under Sections 468, 471, 420 read with Section 34 of Indian Penal Code, 1860 ('**IPC**') presently stated to be pending before VIII Addl. I C.J and J.M.F.C., Mysuru, this petition is filed.

2. Sri M.S. Shyamsundar, learned Senior Counsel appearing for Sri Kiran M.M., advocate for petitioner submitted that petitioner was accused no.13 in impugned proceedings. On investigation, charge-sheet was filed at Annexure-D. It was submitted, entire complaint and charge-sheet material were apparently based on nothing more than statement of petitioner



himself. Even otherwise, material would not disclose essential ingredients of offences alleged. It was submitted, this Court in Criminal Petition no.5528/2018 disposed of on 10.04.2019 (**Manasa B.S.**) held failure to establish *mens rea* insofar as accused no.14 and quashed proceedings. Same would also cover petitioners' case. It was further submitted, entire prosecution was based on statement of petitioner himself recorded under Section 161 of Code of Criminal Procedure, 1973 ('**CrPC**') and similar statement given before Enquiry Committee of University and there was no corroboration. On said grounds sought for quashing.

3. Smt.Sowmya R., learned HCGP for respondent no.2 - State opposed petition. However, to a Court query, learned HCGP fairly submitted on instructions that except statement of petitioner, there was no material to arraign petitioner.

4. Sri Abhishek K., learned counsel for respondent no.1 - University opposed petition. It was submitted, Criminal Petition no.3435/2018 (**Adarsha S.P.**) filed by accused no.12 was dismissed on 11.06.2018. It was submitted, this Court was of view that charge-sheet was supported by statement of



witnesses recorded by Police which constituted circumstantial evidence and prosecution was to be granted opportunity to establish same. It was submitted, in a petition under Section 482 of CrPC, Court would not be justified in evaluation of material. He also relied on decisions in case of **A.S. Krishna and Ors. v. State of Kerala**, reported in **(2004) 11 SCC 576** and **Minakshi Bala v. Sudhir Kumar and Ors.**, reported in **(1994) 4 SCC 142** insofar as ingredients of offences. On said grounds sought for dismissal.

5. Heard learned counsel and perused material on record.

6. This petition is by accused no.13 for quashing of proceedings on ground of lack of ingredients necessary to establish offences alleged against petitioner as well as on technical ground, that only material prosecution sought to rely on was his statement recorded by Police, which was self-incriminating and would not have evidentiary value. On perusal of charge-sheet material and in view of submission of learned HCGP that except statement of petitioner recorded under Section 161 of CrPC and statement given before Enquiry



Committee of University, there was no other material to substantiate charges against petitioner, it is observed that prosecution is based only on confessional statement.

7. Hon'ble Supreme Court in case of **Surinder Kumar Khanna v. Intelligence Officer, Directorate of Revenue Intelligence**, reported in **(2018) 8 SCC 271**, has held confessional statement of accused would not constitute substantive piece of evidence and it would be inappropriate to base conviction on it. Referring to said ratio, this Court in Criminal Petition no.4263/2020 disposed of on 13.01.2021 (**Badrul Muneer**) quashed prosecution based purely on statement of co-accused. Taking cue from same, since prosecution case insofar as petitioner is based on self-incriminating statement recorded under Section 161 of CrPC and in absence of any corroborative material, without wading prosecution material whether it contains necessary ingredients to constitute offence alleged against petitioner, petition would deserve to be allowed.

8. Reliance by counsel for respondent no.1 on decision in **Adarsha's** case would not be relevant as this Court insofar



as Adarsha - accused no.12 had opined that prosecution was relying not only on statement of witnesses but also on circumstantial evidence. Both of which are absent in present petition insofar as petitioner. Decisions in **A.S. Krishna and Minakshi Bala**'s cases (supra) are distinguishable on facts and therefore would be inapplicable.

9. In view of above, petition is ***allowed***, proceedings in CC no.1086/2013 by I Addl. Civil Judge (Jr.Dn.) and J.M.F.C., Mysuru for offences punishable under Sections 468, 471, 420 read with Section 34 of IPC presently pending before VIII Addl. I C.J and J.M.F.C., Mysuru insofar as petitioner is ***quashed***.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 17