



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.4463 OF 2019

BETWEEN:

SMT SAROJAMMA S
W/O RAJAPPA
AGED ABOUT 52 YEARS
R/O GUNDIMADU GOLLARAHATTY VILLAGE
HOLALKERE TALUK
CHITRADURGA DIST - 577 554.

...PETITIONER

[BY SMT. BHAVANA N. PATIL, ADVOCATE FOR
SRI. MALIPATIL P S., ADVOCATE (PH)]

AND:

1. THE STATE OF KARNATAKA
BY HOLALKERE P.S
HOLALKERE
CHITRADURGA DIST:577526
BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, BANGALORE.
2. N S NINGAPPA
S/O LATE SHIVAPPA
AGED ABOUT 68 YEARS
R/O PUNUJURU VILLAGE
HOLALKERE TALUK
CHITRADURGA DIST - 577 526.

...RESPONDENTS

[BY SMT.SOWMYA R., HCGP FOR R1 (PH);
SRI B. CHANDRAMOULI, ADVOCATE FOR R2 (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE CHARGE SHEET NO.51/2018, DATED 18/05/2018

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



FILED BY THE RESPONDENT NO.1 HOLALKERE POLICE IN C.C.NO.975/2018 ON THE FILE OF THE SR.CIVIL JUDGE AND JMFC COURT, HOLALKERE, CHITRADURGA DISTRICT UNDER OFFENCE P/U/S 468,471,464,420 R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging charge-sheet and proceedings in CC no.975/2018 on file of Senior Civil Judge and J.M.F.C., Holalkere, Chitradurga for offences punishable under Sections 468, 471, 464, 420 read with Section 34 of Indian Penal Code, 1860 ('**IPC**'), this petition is filed.

2. Smt.Bhavana N. Patil, learned counsel appearing for Sri P.S. Malipatil, advocate for petitioner submitted that petitioner was arraigned as accused no.2 in Crime no.3/2016 by Holalkere Police. Said FIR was registered on basis of complaint by Ningappa N.S., alleging that complainant - Ningappa and Umapathy N.S., were joint owners of land bearing Sy.no.27, measuring 4 Acres situated at Kunigal village, Kasaba Hobli, Holalkere Taluk, Chitradurga District.



That petitioner along with Umapathy had forged signature of complainant for purpose of receiving benefit of subsidy amount from Horticulture Department and received Rs.2,625/- jointly on 19.09.2015 and sought for taking legal action. And after investigation, charge-sheet was filed for offences punishable under Sections 468, 471, 464, 420 read with Section 34 of IPC.

3. It was submitted, entire case of prosecution insofar as petitioner was on fact of alleged forgery. Charge-sheet would indicate that in course of investigation, Police had sent application for subsidy bearing alleged forged signature for testing to FSL. Result of same, as noted in Column no.16 of charge-sheet was clear in its conclusion that accused had not forged signature and authorship of questioned signature marked could not be ascertained, would favour petitioner and remove entire basis of prosecution allegation. It was further submitted, charge-sheet material would indicate that money was transferred to account of accused no.1 and allegation was also basically on accused no.1. In view of same, it was submitted, continuation of proceedings against petitioner would be abuse of process.



4. Smt.Sowmya R., learned HCGP for respondent no.1 - State on other hand would oppose petition. It was submitted, in course of investigation, prosecution not only recorded statement of complainant as CW1 but also officials of Horticulture Department as CWs-13 and 14 as well as Notary public who notarised application as CW-11, and Lawyer who identified signatory as CW-12. It was submitted, application for subsidy bore signatures of both accused along with forged signature of complainant and subsidy amount was paid. Thus, there was grave suspicion of petitioner involving in offence and prosecution had also invoked Section 34 of IPC. It was contented that in a petition under Section 482 of Code of Criminal Procedure, 1973 ('**CrPC**') this Court would not be justified in evaluating prosecution material. On above ground, sought for dismissal.

5. Heard learned counsel and perused material on record.

6. This petition is by petitioner (accused no.2) being aggrieved by initiation of proceedings for offences punishable under Sections 468, 471, 464, 420 read with Section 34 of IPC



against petitioner along with other accused. Indisputably, allegation against petitioner is of forging signature of complainant and filing application for subsidy with Horticulture Department and receiving same. Act of forgery, submission of application and receipt of subsidy is alleged to be with common intention. Prosecution material would indicate that for said purposes, application was notarized. As per statements of complainant, officials of Horticulture Department, Notary and identifying Lawyer recorded by Police there was sufficient basis for filing of charge-sheet. Material would indicate involvement of petitioner for forging signature of complainant and receipt of subsidy. Though, FSL report referred to was inconclusive insofar as identifying person who forged signature, submission of forged document with intent to receive benefit would be sufficient to constitute grave suspicion of petitioner having committed offence.

7. Mere fact that subsidy amount was actually transferred into account of accused no.1 or FSL report not clearly implicating petitioner as person who had forged signature would be a defence and cannot be examined by this Court under Section 482 of CrPC. Evaluation of prosecution



material nor testing of veracity would be justified and matter would require trial.

8. Reserving liberty to urge grounds before trial Court at appropriate stage, petition stands ***dismissed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 25