



CNR: KAHC010463432019

NC: 2026:KHC:46515
CRL.P No. 8115 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.8115 OF 2019

BETWEEN:

1. B.N.SHIVANNA
S/O NANJUNDAIAH
AGED ABOUT 48 YEARS
NOW RESIDING AT NO.5,
SUJATHA COMPLEX, 1/1
1ST CROSS, GANDHINAGAR,
BANGALORE - 560 009.

ALSO R/AT NO.8, 3RD CROSS,
MUNESHWARANAGAR,
KADIRENAHALLI,
PADMANABHANAGAR,
BANGALORE - 70

2. C.C.NARAYANA,
S/O CHELUVAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT SUNKADAKATTE,
HEGGANAHALLI MAIN ROAD,
SANJEEVININAGARA,
BANGALORE - 560 052.

...PETITIONERS

(BY SRI B.N.SHIVANNA, PARTY-IN-PERSON
SRI K.N.SANJAY KUMAR, ADVOCATE FOR P2)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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AND:

STATE OF KARNATAKA
BY VIDHANA SOUDHA POLICE,
BANGALORE - 560 001.
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BANGALORE - 560 001.

2. THE REGISTRAR GENERAL,
HON'BLE HIGH COURT OF KARNATAKA,
BANGALORE - 560 001
IMPLEADED AS PER ORDER DATED 23.02.2023

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;
SRI SANTHOSH S NAGARALE, ADVOCATE FOR R2;
SRI SURAJ SAMPATH, ADVOCATE FOR
APPLICANT IN I.A.NO.1/2026)

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.P.C.
PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.C.NO.18332/2002 ON THE FILE OF LEARNED VIII ADDL.
CHIEF METROPOLITAN MAGISTRATE, AT BENGALURU WHICH
IS REGISTERED FOR THE OFFENCE PUNISHABLE UNDER
SECTIONS 468, 471 AND 420 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in CC no.18332/2002 on
file of VIII ACMM, Bangalore, for offence punishable under



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Sections 468, 471 and 420 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri BN Shivanna, party-in-person - petitioner no.1 and Sri KN Sanjaykumar, learned counsel appearing for petitioner no.2 submitted that proceedings against petitioners were commenced on a complaint dated 25.02.2002 by Registrar (Judicial) of this Court alleging that a judgment dated 03.10.2001 purported to be passed by Hon'ble Justice G. Patri Basavanagowda was on verification found to be fabricated and not delivered by Hon'ble Judge and therefore to take necessary action. Based on same, FIR in Crime no.15/2002 was registered by Vidhana Soudha Police Station. On completion of investigation, charge sheet was filed on 15.06.2002 arraigning petitioners as accused no.1 and 2 for offences punishable under Sections 468, 471 and 420 of IPC. Assailing entire proceedings, this petition was filed.

3. It was submitted that proceedings herein are initiated on allegation of forgery of judgment of this Court. In relation to very same incident and against same accused, proceedings were initiated on a private complaint by impleading



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applicant herein leading to registration of Crime no.170/2002 initially by Upparpet Police Station and transferred to Jeevan Bheema Nagar Police Station and registered as Crime no.58/2002. It was submitted that on completion of investigation charge sheet was filed on 21.03.2002 for offences punishable under Sections 409, 417, 419, 420, 468, 471, 474 read with Sections 34, 35 and 37 of IPC and after trial proceedings concluded in judgment of conviction on 19.07.2024. It was submitted that petitioner having been investigated upon, tried for alleged incident of forgery of judgments and creation of fake cases and convicted, registration/continuation of proceedings with regard to same incident in present proceedings would be barred by principle of double jeopardy traceable to Article 20(2) of Constitution of India. Likewise, in case of petitioner no.2 who was acquitted. It was submitted that an application for discharge was filed, but rejected. Therefore, sought for allowing petition.

4. In reply Smt.Sowmya, learned HCGP for respondent-State, Sri Santhosh S Nagarale, learned counsel for respondent no.2-complainant and Sri Suraj Sampath, learned



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counsel for impleading applicant in IA no.1/2026 in unision submitted that present petition would be barred on ground of suppression of material facts namely, that petitioner had earlier approached this Court in CrI.P. no.1731/2003, but got it dismissed as withdrawn with liberty to take up all contentions before trial Court and without disclosing same, second petition was filed. Relying on decision of Hon'ble Supreme Court in case of ***Bhisham Lal Verma v. State of Uttar Pradesh and Anr.*** reported in **(2024) 15 SCC 282**, it was submitted that successive petition under Section 482 of CrPC would not be maintainable except in exceptional circumstances. It was submitted that earlier petition having been filed after filing of charge sheet and dismissed as not pressed, this petition without any changed circumstances or establishing exceptional circumstances would be untenable and sought for dismissal.

5. In reply, petitioners submitted that in case of ***Superintendent and Remembrancer of Legal Affairs, West Bengal v. Mohan Singh and Ors.*** reported in **(1975) 3 SCC 706**, Hon'ble Supreme Court had held dismissal of an earlier petition under Section 482 would not bar subsequent



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petition if facts so justified. It was submitted that this Court in Crl.P. no.10145/2021 disposed of on 02.08.2022 had applied said ratio. It was sought to be contended that an application for discharge was filed by petitioner and same was dismissed and this would justify filing of this second petition.

6. Opposing said submission as well as contention that proceedings in CC no.8178/2002 would be on same cause of action as proceedings in CC no.18332/2002, learned counsel for respondents submitted that complaint in Crime no.58/2002 was based on complaint by company which was aggrieved by complainant extracting huge amount of money from them by furnishing fake cases and producing forged copy of judgment of this Court. It was submitted that Hon'ble Supreme Court in ***State of Bombay v. SL Apte and Anr.*** reported in ***AIR 1961 SC 578*** had held for attracting bar under Article 20(2) of Constitution of India, crucial requirement was offences should be identical and merely on ground that two complaints were substantially similar would not be sole consideration. It was held necessary to analyze and compare allegations in two complaints vis-à-vis ingredients for offences to determine



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identity and same would be matter for trial. On said ground sought for dismissal.

7. Heard learned counsel and perused material on record.

8. This petition is by accused no.1 and 2 for quashing of proceedings on ground of bar under Article 20(2) of Constitution of India namely, double jeopardy. Thrust of petitioner's challenge in instant case is on ground that proceedings in CC no.18332/2002 were substantial and on very same allegation and against very same persons as in CC no.8178/2002. Whereas respondent seek for dismissal of petition on ground of non-maintainability of successive petition and failure to disclose. Though contention about untenability of successive petition for quashing would be more substantive ground, for satisfaction of conscience of Court, a cursory examination of contention of petitioner is found appropriate. Records reveal proceedings in CC no.8178/2002 are on basis of a complaint filed by impleading applicant herein on 19.02.2002 alleging that petitioners-accused had created 631 fake cases against them and on said basis yanked and remit around



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Rs.70,00,000/- towards litigation expenses, etc. which was not only cheating but also forgery, etc. Charge sheet filed in said proceedings would arraign about seven persons whereas proceedings in CC no.18332/2002 are on a complaint by Registrar Judicial alleging forgery of judgment of this Court and seeking for taking action. Charge sheet filed in said proceedings would arraign only petitioners, even offences invoked as well as imputations appear summarily different. Therefore, petitioner's contention of double jeopardy cannot be examined at this stage.

9. On other hand, perusal of judgment dated 20.05.2003 in Crl.P. no.1731/2003, produced along with IA no.1/2026, would reveal that very same petitioners had earlier approached this Court challenging entire proceedings in CC no.18332/2002 and got it dismissed as withdrawn with liberty to urge their defences before trial Court. A perusal of present petition would reveal suppression of same. Earlier petition was filed after filing of charge sheet and ought to have been disclosed in petition and case of changed or exceptional circumstances pleaded. Non-disclosure and attempt to offer



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explanation post filing of petition cannot be taken lightly. A person invoking extraordinary jurisdiction of this Court ought to be expected to come with clean hands. Even contention that his application for discharge was rejected cannot be appreciated as said order is not impugned herein. So also contention that proceedings in CC no.8178/2002 had ended in judgment of conviction of petitioner no.1 and acquittal of petitioner no.2 which is during pendency of this petition. Hence, I do not find any merit in any of contentions.

10. Hence, petition stands ***dismissed***.

11. In view of dismissal, pending applications stand disposed of as unnecessary.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 1