



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

WRIT PETITION NO.28892 OF 2024 (GM-RES)

C/W

WRIT PETITION NO.28281 OF 2024 (GM-RES)

IN WP NO. 28892/2024

BETWEEN:

SRI.VILAS BORMAIJI OSWAL S/O. LATE BORAMAIJIOSWAL,
AGED ABOUT 61 YEARS, #NO.G1,
ARIHANTH COLONY, NEAR LINGADHUGUDI ROAD,
VIJAYAPUR-586201,

...PETITIONER

(BY SRI.HASMATH PASHA, SENIOR COUNSEL FOR
SRI/SMT.MOULYAPOORNA R, ADVOCATE)

AND:

1. THE STATE BY VIDHANA SOUDHA POLICE STATION,
BENGALURU, REPRESENTED BY SPP,
HIGH COURT COMPLEX, BENGALURU-560001.

2. SOMASHEKAR R S/O. BASANNA R,
AGED ABOUT 53 YEARS, R/AT NO. 201, 3RD FLOOR,
SRI NILAYA, NO.93/5, 28TH B CROSS,
14TH MAIN, 4TH BLOCK EAST,
JAYANAGARA, BENGALURU-560011.

...RESPONDENTS

(BY SRI.RAHUL RAI K, HCGP FOR R1;
SRI.SOMASHEKAR R. (R2 IN PERSON)

THIS WP IS FILED UNDER ARTICLE 226 R/W. 227 OF THE
CONSTITUTION OF INDIA (READ WITH SECTION 528 OF BNSS,
2023) PRAYING TO 1. CALL FOR ENTIRE RECORDS PERTAINING THE
VIDHANA SOUDHA POLICE STATION CRIMINAL CASE CR.NO.
97/2024, CHARGING HIM SECTION 3(1)(q) OF THE SC AND ST
(PREVENTION OF ATROCITIES) ACT R/W. SECTIONS 465, 468, 471
OF IPC 1860., VIDE ANNEXURE-A. PENDING ON THE FILE OF THE
HON'BLE LXX CITY COURT COMPLEX, BENGALURU. 2. QUASH BY

VIJAYALAKSHMI
M KANKUPPI

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VIJAYALAKSHMI M
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NC: 2026:KHC:9715
WP No. 28892 of 2024
C/W WP No. 28281 of 2024

ISSUANCE OF CERTIORARI AND EXERCISING POWERS U/S. 528 OF BNSS,2023. THE VIDHANASOUDHA POLICE STATION REGISTERED. CR. NO. 97/2024, CHARGING HIM SECTION 3(1)(q) OF THE SC AND ST (PREVENTION OF ATROCITIES) ACT R/W. SECTIONS 465, 468, 471 OF IPC 1860, VIDE ANNEXURE-A, PENDING ON THE FILE OF THE HONBLE LXX CITY COURT COMPLEX, BENGALURU PERTAINING TO PETITIONER AND ETC.

IN WP NO. 28281/2024
BETWEEN:

SRINATH KULKARNI S/O. GURURAJ KULKARNI,
AGED ABOUT 39 YEARS,
AVAILABLE AT NO.S4 AND S5,
2ND FLOOR, SHALIMAR PLAZA PALACE,
GUTTAHALLI, MALLESHWARAM, BENGALURU - 560003.
...PETITIONER
(BY SRI.AJAY KADKOL T, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY STATION HOUSE OFFICER,
VIDHANA SOUDHA POLICE STATION,
BENGALURU - 560001.
2. SOMASHEKHAR R, S/O. BASANNA R,
AGED ABOUT 53 YEARS,
RESIDENT OF NO.201, 3RD FLOOR,
SRI NILAYA NO. 93/5, 28TH B CROSS, 14TH MAIN,
4TH BLOCK EAST, JAYANAGAR, BENGALURU - 560011.
...RESPONDENTS
(BY SRI.RAHUL RAI K., HCGP FOR R1;
SRI.SOMASHEKHAR R,(R2 IN PERSON)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA (READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE/ SECTION 528 OF BNSS) PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION OF APPROPRIATE NATURE QUASHING THE REGISTRATION OF THE CASE IN CRIME NO. 97/2024, REGISTERED AT VIDHANA SOUDHA POLICE STATION, BENGALURU, AS AGAINST THE PETITIONER HEREIN WHO IS ARRAIGNED AS ACCUSED NO. 2, FOR ALLEGED OFFENCES WHICH ARE MADE PENAL UNDER SECTIONS 465, 468 AND 471 OF THE IPC AND SECTION 3(1)(q) OF THE SCHEDULED CASTES AND THE ST (PREVENTION OF ATROCITIES) ACT, WHICH IS PRODUCED AS ANNEXURE-A AND ETC.



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THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED ON 20.11.2025, COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CAV ORDER

1. Petitioners are seeking to quash the FIR in Crime No.97/2024 registered at Vidhana Soudha Police Station, Bengaluru City, for the offence punishable under Section 3(1)(q) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC & ST (PoA) Act', for short) and Sections 465, 468 and 471 of the Indian Penal Code (hereinafter referred to as 'the IPC', for short).

2. Heard learned senior counsel Sri. Hasmath Pasha for Smt. Moulyapoorna R., advocate for petitioner/accused No.1 in W.P. No.28892/2024, learned counsel Sr. Ajay Kadkol T. for petitioner/accused No.2 in W.P. No.28281/2024, Sri. Rahul Rai, learned High Court Government Pleader appearing for the State and the de-facto complainant/respondent No.2, party-in-person in both the petitions. Perused the material on record.



3. The facts leading to filing of these petitions are as under:

4. Respondent No.2/de-facto complainant lodged a complaint against accused No.1 Vilas Bormaiji Oswal with Jayanagar Police, registered as Crime No.126/24, on 06.04.2024 for the offence punishable under Section 3(1)(r), 3(1)(s), and 3(2)(va) of SC & ST (PoA) Act and Sections 504 and 506 of IPC. Following the registration of the FIR, an absconding charge sheet was filed against the said accused in Spl.Case No.943/2024 on the file of the learned LXX Additional City Civil and Sessions Judge and Special Judge in Bengaluru. Criminal Miscellaneous No.4717/2024 filed by accused seeking anticipatory bail was rejected by the trial Court on 11.06.2024. The trial Court issued NBW on 19.06.2024. In the meanwhile, accused preferred Criminal Petition No.5584/2024 for quashing of the charge sheet and all proceedings in Spl.Case No.943/2024. He filed Criminal Appeal No.1090/2024, to set aside the rejection of bail order by the Sessions Court and to enlarge him on anticipatory bail. In Criminal Petition No.5584/2024, accused filed an



application for stay of all proceedings in Spl.Case No.943/2024, accompanied by an affidavit. In the said case, an interim stay order was granted on 10.07.2024. The complainant entered appearance and obtained the certified copy of the affidavit filed along with the application for stay as well as the vakalat filed by the accused in CrI.P. No.5584/2024. Upon comparing the signature on the vakalat with the signature on the affidavit accompanying the I.A., complainant discovered a stark difference, which led him to believe that the signature on the affidavit dated 13.06.2024 was not authentic but forged and mischief was played with the Court. Further, raising concerns about the counsel for the accused about his awareness and possible involvement, as he signed the affidavit as "identified by me", complaint was lodged against accused No.1 as well as his counsel arraigning him as accused No.2, resulting in registration of Crime No.97/2024 of Vidhana Soudha Police Station, Bengaluru City, which FIR is under challenge in these two petitions.



5. The de-facto complainant/party-in-person has filed statement of objections in both the petitions reiterating the complaint averments. It is stated that the signature on the vakalatnama is genuine, while the signature on the affidavit accompanying the application filed for stay, is forged. The signatures on these documents are starkly different, raising serious doubts about the authenticity of the affidavit and the difference in the signatures is evident when compared side by side, establishing a *prima facie* case of forgery.

6. It is the contention of the de-facto complainant that the forged affidavit was used to mislead this Court to obtain an interim order of stay in CrI.P. No.5584/2024 and had the forged affidavit was not presented along with the I.A., the Court would not have granted the interim stay. It is also his contention that accused No.2, petitioner in W.P. No.28281/2024, an advocate is entrusted with upholding the integrity of the legal system, however, he has actively participated by colluding with accused No.1, by attesting the



forged signature on the affidavit, despite being aware of his absconding status at the time of filing the affidavit.

7. It is the further contention of the complainant that from the timeline of events, such as the rejection of anticipatory bail, the absconding status of the accused, the immediate filing of criminal appeal and criminal petition, the questionable signature on the affidavit and subsequent securing of an interim stay order based on the forged affidavit, it is highly probable that forgery is committed with the knowledge and insistence of both the accused. He contended, this act of forgery is a serious offence, a deliberate attempt to deceive the Court and constitutes a grave act of fraud and misrepresentation. Further, it is an act of forgery which is committed in furtherance of the ongoing attempts to harass, intimidate and discriminate him based on his caste identity, constituting a separate offence in itself.

8. Respondent No.2/de-facto complainant relied on the judgment in the case of ***M/s Bandekar Brothers Private***



Limited and another v. Prasad Vasudev Keni reported in ***AIR 2020 SC 4247*** and ***Baban Singh and another v. Jagdish Singh and another*** reported in ***(1966) 3 SCR 552*** to contend that "swearing of a false affidavit before a Court amounts to an offence under Section 191 or 192 of IPC, 1860".

9. Further, a memo was filed along with the report/expert opinion furnished by a private Handwriting and Fingerprint expert (Sri.Naveen S.Kosti. FDE) on comparison of signatures. Relying on the said document, he contended that as per preliminary opinion of the expert, the questioned signature and the standard signatures are of different authorship and the said report is filed to unequivocally demonstrate a *prima facie* case of forgery and to further substantiate the allegations made in FIR 97/2024, which strongly warrants the continuance of investigation and a conclusive forensic examination by an official agency.

10. From the complaint averments and the statement of objections filed by the de-facto complainant, he is alleging that the signature in the affidavit accompanying the



application filed for stay in CrI.P.No.5584/2024 was a forged signature of accused No.1, based on which an interim order of stay was obtained in the said petition and the forged affidavit was used to mislead the Court to obtain an interim stay. Further, the advocate, that is petitioner in W.P. No.28281/2024 has colluded with accused No.1 and attested the forged signature on the affidavit.

11. In sum and substance, the complainant is alleging that the signature on the affidavit accompanying the application filed for stay by accused No.1 in CrI.No.5584/2024 is forged and the said signature is not that of Vilas Bormaiji Oswal-accused No.1.

12. The allegations in the complaint are totally denied by the petitioners. The petitioner i.e. accused No.1-Vilas Bormaiji Oswal in Writ Petition No.28892/2024, whose signature is alleged to have been forged, has out rightly denied the allegation of forgery. When a person himself, whose signature is alleged to have been forged, denies the



said allegation, the continuation of proceeding would be a futile exercise and it amounts to abuse of process of Court.

13. The petitioner in Writ Petition No.28892/2024 i.e. Vilas Bormaiji Oswal has filed an affidavit before this Court. The contents of the said affidavit are extracted hereunder:

- 1. That, I am the Petitioner in the above case and I am well acquainted with the facts and circumstances of the case, hence I am swearing to the contents of this affidavit on my own behalf.*
- 2. I state that, I have preferred the Criminal Petition No.5584/2024 before this Hon'ble Court challenging the charge sheet filed against me by the 1st Respondent, on the basis of the false complaint being filed by the 2nd Respondent for the offences under atrocities Act.*
- 3. I state that, I had also preferred an anticipatory bail before the Sessions court in Criminal Misc No.4717/2024 which came to be rejected on 11.06.2024 since I had serious apprehension of arrest at the hands of the 1st Respondent, Jayanagar Police. I had instructed my Counsel to file Criminal Petition before this Hon'ble Court seeking to quash the entire charge sheet which is filed on 13.06.2024. On the said date after executing Vakalath in my Counsel's office I was going towards my relatives house at Jayanagar that again I had been asked to come to the Court to mark one more signature on the affidavit by my advocates clerk over phone at that time it was a peak hours at around 10.00am. It was also been told by my advocate that he would move the memo for listing the case mentioning the urgency.*
- 4. I state that, by reaching there it was already too late and in the said urgency and pressure mounting at the peak hours at around 10.20am in a hurry I signed myself in the standing position in a tense mind and I*



signed the affidavit and there may be little change or difference in the stroke of the signature since I myself had told the counsel that my signature that I made is a bit different/ light change to which my counsel stated that it is identified by the advocate and none can dispute it and there was also no availability of another copy of the affidavit. In a hurrying situation of filing the case and moving the memo before the Court the difference in my signature tends to happen.

- 5. I state that, I am a Hypertension patient since last 12 years and I get tensed in a hurrying situation like the one happened in this case. Till the time whenever I make the signature on any documents, I sign in a calm mind and I always sit and make my signature on any given document. In this case in particular since it was late and as I was in a hurry I signed in standing position itself which could have lead to a variation/ difference in my signature, which I myself admit it.*
- 6. I further state that, I am senior citizen by age and recently I had undergone treatment for my Cardiac related issues and the 2nd Respondent, in spite of knowing all this well seems to be time and again pressurizing me in his pursuit to settle the business dispute according to his terms and conditions which is not agreeable to me, hence the 2nd Respondent is intentionally making false allegation by filing one after another complaint under SC/ST Atrocities Act, by misusing the law for his personal gains.*
- 7. I state that, that the 2nd Respondent, taking undue advantage of the same since he was unable to get an interim order of stay vacated in Criminal Petition No.5584/2024 despite all his effort as he was unable to convince this Hon'ble Court. The 2nd Respondent, is making one other false allegation of himself being aggrieved by my own signature itself.*
- 8. I state that, the 2nd Respondent, in his complaint before the Vidhana Soudha, Police Station, Bengaluru, in Crime No.97/2024, he has made a false allegation against me and also against my advocate since the interim order was not vacated by this Hon'ble Court, due to which 2nd Respondent hatched another conspiracy by falsely implicating me and my advocate*



by filing a new complaint questioning my own signature which is undisputedly my own signature and none other than mine and no other person has forged since I myself had signed it. The 2nd Respondent often using different ways and methods to pressurize me to settle the business disputes between us in his favour and since it remains unsettled and at all the times he is misusing the law against me.

WHEREFORE, the above stated information are true and correct to the best of my knowledge, information and belief.

9. In the above affidavit, accused No.1 has stated that he himself signed the affidavit. He has explained as to how and in what circumstance the affidavit was signed and presented. Admittedly, it is not the case of complainant that his signature was forged in any of the documents or that any false statement was made in the affidavit or the accused has sworn to a false affidavit. The judgment relied by the 2nd respondent is therefore not applicable to the facts of the present case. The specific allegation is that the signature in the affidavit is not that of accused No.1 but forged, which is categorically denied by accused No.1. Hence, on the basis of the said allegation or relying on the opinion of the private hand writing expert, it can not be said that there is a prima facie case against the petitioners. The criminal proceedings



initiated against the petitioners is an abuse of process of the Court and cannot be allowed to continue.

10. It is pertinent to mention that based on the facts and merits of the case, this Court granted an interim order of stay in CrI.P. No.5584/2024. It is brought to the notice of the Court that subsequently the said CrI.P. No.5584/2024 was allowed vide order dated 02.06.2025 and the proceeding in Spl.Case No.943/2024 on the file of the learned LXX Additional City Civil and Sessions Judge and Special Judge, Bengaluru, arising out of Crime No.126/2024 was quashed. The Spl.Leave to appeal (CrI.) No.12081/2025 preferred by the 2nd respondent/de-facto complainant before the Hon'ble Apex Court against the said judgment is also dismissed vide order dated 18.08.2025.

11. For the aforesaid reasons, this Court is of the considered view that the criminal proceeding initiated against the petitioners is nothing but an abuse of process of law. Both the petitions, therefore, would succeed.

12. Accordingly, the following order:



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ORDER

Petitions are allowed. The entire proceedings in Crime No.97/2024 registered at Vidhana Soudha Police Station, Bengaluru city are quashed.

Pending I.As. in both the petitions stand disposed of.

SD/-
(MOHAMMAD NAWAZ)
JUDGE

kmv
CT:PA