IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO.5076 OF 2020

BETWEEN:

CHETHANA C.,
D/O CHANNAIAH,
AGED ABOUT 24 YEARS,
R/AT NO.14/1,
7TH CROSS, GANDHINAGARA,
MANDYA – 571 401.

... PETITIONER

(BY SRI K.L.SREENIVAS, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
REPRESENTED BY THE PSI,
HALASUR GATE POLICE STATION,
BENGALURU – 560 001.
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 01.

... RESPONDENT

(BY SMT.NAMITHA MAHESH B.G., HCGP FOR STATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASHING THE CRIMINAL CASE REGISTERED AGAINST THE PETITIONER IN C.C.NO.30089/2019 IN THE COURT OF THE I A.C.M.M.,

BANGALORE FOR THE OFFENCES P/U/S 465, 466, 468, 471, 420 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

1. The petitioner is before this Court seeking for quashing the criminal case registered against the petitioner in C.C.No.30089/2019 pending on the file of I A.C.M.M. Bengaluru for the offence punishable under Sections 465, 466, 468, 471 and 420 of IPC.

2. The Halasurgate Police Station registered Crime No.52/2019 for the above said offences. On the basis of the complaint lodged by the incharge Chief Administrative Officer, Bengaluru Rural District and Sessions Court stating that the petitioner has applied for the post of Peon in the Bengaluru Rural District Court and produced certain documents for the purpose of consideration. During the course of interview and on examination they were found to be fake and as such, action is sought to be initiated against her.

3. Upon investigation, a charge sheet has been laid on 03.11.2019 categorically stating that the petitioner has fabricated and forged the documents as per investigation made and as such, the proceedings have to be taken up.

4. Sri. K.L.Sreenivas, learned counsel for the petitioner would submit that the Investigating Officer and as also the Education Co-ordinator, Mandya have not applied their mind and they have submitted a charge sheet in a mechanical manner without consideration of the relevant facts.

5. Per contra, learned HCGP submits that all the documents relating to various authorities had been procured by the Investigating Officer and it is noticed that the document which has been furnished by the petitioner during the course of interview did not match with those available with the said authorities and in this

regard, the Investigating Officer has categorically stated that the said documents do not match. That being the scope of investigation, this Court ought not exercise the power under Section 482 of Cr.P.C.

6. Heard Sri. K.L.Sreenivas, learned counsel for the petitioner and Smt. Namitha Mahesh B.G, learned HCGP for respondent-State and perused the papers.

7. The complaint against the petitioner is that she has produced fake and forged documents for the purpose of securing employment to the post of Peon. When an interview has been called for in relation to the said post, various documents have been produced. The verification report submitted by the competent authority states that they are not matching with the school records. The Investigating Officer has categorically stated that these documents have been fabricated in the year 2018

for the purpose of usage in the interview and as such, the charge sheet has been laid.

8. At this stage, I am of the considered opinion that this Court cannot determine the factual aspect as per the contention raised by Sri. K.L. Sreenivas, leanred counsel for the petitioner and as such, keeping all the contentions open, the petition is dismissed.

Sd/-
JUDGE

ssb