HC-KAR
NC: 2026:KHC:61687
CRL.P No. 1068 of 2025
CNR: KAHC010043102025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1068 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

SRI. VEERANJANEYA
S/O LATE P NARAYANA RAO
AGED ABOUT 57 YEARS
R/AT 1ST CROSS
DEVINAGARA
HOSAPTE
VIJAYANAGARA
KARNATAKA

...PETITIONER

(BY SRI. RAVI M R., ADVOCATE)

AND:

THE RAMANAGARA TOWN POLICE
RAMANAGARA
REPRESETNEG BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU 560002

...RESPONDENT

(BY SMT. RASHMI PATEL., HCGP)

THIS CRIMINAL PETITION IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.45/2024 REGISTERED IN OFFENCE P/U/S 417, 465, 466, 468, 471 R/W SEC. 34 OF IPC DATED 18.03.2020 (CR.NO.47/2020) DATED ARISING OUT OF CHARGE SHEET DATED 27.07.2024 PENDING BEFORE THE PRINCIPAL CIVIL JUDGE (SR.DV.) AND CJM COURT, RAMANAGARA DISTRICT FILED AGAINST HIM BY THE

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RESPONDENT POLICE FOR THE OFFENCE P/U/S 417, 465, 466, 468, 471 R/W SEC. 34 OF IPC AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

   a. *Quash the entire proceedings in C.C.No.45/2024 registered in offence p/u/s 417, 465, 466, 468, 471 r/w sec. 34 of ipc dated 18.03.2020 (Cr.No.47/2020) dated arising out of charge sheet dated 27.07.2024 pending before the Principal Civil Judge (Sr.Dv.) and CJM Court, Ramanagara District filed against him by the respondent police for the offence p/u/s 417, 465, 466, 468, 471 r/w sec. 34 of IPC; and*

   b. *Pass such other orders as deems fit to the Hon'ble Court in the circumstances of the case, in the interest of justice.*

2. The Assistant Administrative Officer, Ramanagara Police, lodged a complaint on 18.03.2020 alleging that one Smt.R.Savitharani had submitted certain educational documents in support of her claim for appointment on compassionate grounds.

3. The said documents were forwarded for verification to the concerned educational authorities. Dr. Bhimrao Ambedkar University, Agra, upon

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verification, reportedly informed the authorities that the marks cards submitted were not genuine. Similarly, the Board of Higher Secondary Education, New Delhi, informed the authorities that the school concerned was not affiliated to the Board and that the marks card in question had not been issued by it.

4. On the basis of the information received from the said authorities, the complainant sought initiation of appropriate action. Consequently, Ramanagara Town Police registered Crime No.47/2020 for the offences punishable under Sections 417, 465, 466, 468, 471 and 34 of the IPC.

5. Investigation was undertaken and, upon its completion, a charge sheet came to be filed on 27.07.2024. The petitioner has been arrayed as Accused No.5 in the charge sheet and has approached this Court seeking quashing of the proceedings insofar as he is concerned.

6. Sri Ravi M.R., learned counsel appearing for the petitioner, submits that the implication of the petitioner as Accused No.5 is founded exclusively on the voluntary statement allegedly made by Accused No.4 during investigation.

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6.1. It is contended that, according to the statement of Accused No.4, he had requested Accused No.5 to procure fabricated marks cards and certificates. It is further alleged that Accused No.5 had arranged for preparation of the said documents and handed them over to Accused No.4, who, in turn, delivered them to Accused No.1.

6.2. Learned counsel submits that the alleged voluntary statement of Accused No.4, being a statement made to the police, is inadmissible in evidence against the petitioner in view of Section 25 of the Indian Evidence Act, 1872. It is therefore contended that, in the absence of any independent material connecting the petitioner with the alleged fabrication or procurement of the documents, the continuation of the criminal proceedings against him would be an abuse of the process of law.

7. Upon being specifically queried by the Court as to whether the charge sheet contains any independent material corroborating the alleged involvement of Accused No.5, the learned High Court Government

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Pleader submits that the investigation has not yielded any such material.

8. It is stated that, although Accused No.4 has referred to the location where the marks cards were allegedly prepared, the said location no longer exists. No seizure or recovery has been effected in that regard. Further, no statement of any other witness or other material collected during investigation is stated to implicate Accused No.5 in the alleged preparation or procurement of the fabricated documents.

9. The rival submissions require consideration in the context of the evidentiary value of a confession or statement made by a co-accused to the police and the nature of the material required to sustain criminal proceedings against the petitioner.

10. Section 25 of the Indian Evidence Act, 1872, expressly provides that no confession made to a police officer shall be proved as against a person accused of an offence. The statutory prohibition is intended to exclude confessions made to police officers from being used as evidence against an accused, subject to the limited exception recognised under Section 27 of the said Act.

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11. In the present case, the allegation against Accused No.5 is stated to arise from the disclosure made by Accused No.4 that he had approached Accused No.5 for procuring fabricated educational documents and that Accused No.5 had arranged for their preparation and delivery.

12. Even assuming that such a statement was made by Accused No.4 during investigation, the same cannot, merely by virtue of having been recorded by the investigating agency, constitute substantive evidence against Accused No.5. The evidentiary value of a confession made by a co-accused is also governed by Section 30 of the Indian Evidence Act, subject to the conditions prescribed therein. Such a confession cannot, by itself, be treated as substantive evidence establishing the guilt of another accused.

13. In the present case, the learned High Court Government Pleader, upon being specifically questioned, has fairly submitted that no independent material has been collected to connect Accused No.5 with the alleged fabrication or procurement of the documents. There is no seizure or recovery attributable to the petitioner, nor is any other witness stated to have implicated him. The alleged

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location where the documents were purportedly prepared is also stated to be no longer in existence.

14. Thus, the material presently available against the petitioner is confined to the statement attributed to Accused No.4. In the absence of any independent material connecting the petitioner with the alleged offences, the prosecution against him cannot be sustained merely on the basis of such a statement.

15. The continuation of criminal proceedings in these circumstances, without any legally sustainable material indicating the petitioner's involvement, would amount to an abuse of the process of law. This Court is, therefore, of the considered opinion that the proceedings in C.C. No.45/2024 are liable to be quashed insofar as the petitioner, who is arrayed as Accused No.5, is concerned.

16. It is, however, made clear that this order shall not preclude the investigating agency from undertaking further investigation in accordance with law and, if legally admissible and sufficient material is subsequently collected disclosing the involvement of the petitioner, from taking appropriate steps in accordance with the applicable procedural law.

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ORDER

i. The criminal petition is ***allowed***.

ii. The proceedings in C.C. No.45/2024, arising out of Crime No.47/2020 of Ramanagara Town Police Station, pursuant to the charge sheet dated 27.07.2024, pending on the file of the Principal Civil Judge (Senior Division) and Chief Judicial Magistrate, Ramanagara District, are hereby quashed insofar as the petitioner, arrayed as Accused No.5, is concerned.

iii. Liberty is reserved to the investigating agency to undertake further investigation in accordance with law and, if legally admissible material disclosing the involvement of the petitioner is collected, to take appropriate consequential steps in accordance with law.

iv. It is clarified that the proceedings against the remaining accused, if any, shall remain unaffected by this order.

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(SURAJ GOVINDARAJ)
JUDGE

SR/List No.: 1 Sl No.: 14