HC-KAR

NC: 2026:KHC:54835
WP No. 5121 of 2026

CNR: KAHC010115332026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 5121 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. VASANTH @ VASANTHKUMAR
S/O LATE. G.V. YOGAIAH,
AGED ABOUT 62 YEARS,
R/AT NO. 156, 157, 158,
2ND CROSS, 2ND MAIN, MARUTHI
MARKANDESWARA NAGARA,
BANGALORE-560 091

...PETITIONER

(BY SRI ASHOK N PATIL, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SRI. V T JAYARAM
S/O LATE. VENKATAPPA @
PAPEGOWDA,
AGED ABOUT 51 YEARS,
R/AT NO.43, 21ST CROSS,
VISWANEEDAM POST,
SUKANDAKATTE,
YESWANTHAPURA HOBLI,
BANGALORE -560 091

2. SRI.ANANTHA NARASIMHAMURTHY,
S/O LATE. G.V.YOGAIAH,
AGED ABOUT 52 YEARS,
R/AT NO. 156, 157, 158,
2ND CROSS, 2ND MAIN,

MARUTHI MARKANDESWARA NAGARA,
BANGALORE -560 091 .

…RESPONDENTS

(BY SRI D.L. MURTHY, ADVOCATE FOR R1;
VIDE ORDER DATED 25.06.2026
NOTICE TO R2 IS HELD SUFFICIENT)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET-ASIDE THE ORDER DATED 27.01.2026, PASSED BY THE LEARNED XXVIII ADDL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, BANGALORE ON I.A.NO. 1/2026 FILED UNDER SECTION 379 OF BNSS, 2023 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE IN EX. NO.25001/2024 AND ALLOW THE APPLICATION I.A.NO. 1/2026 FILED BY THE PETITIONER UNDER SECTION 379 OF BNSS, 2023 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE IN EX. NO.25001/2025 AS PER ANNEXURE-A AND AWARD COST.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

1. This writ petition is filed impugning the order dated 27.01.2026, whereby the application filed by the petitioner under Section 379 of the BNSS came to be rejected.

2. Learned counsel appearing for the petitioner submits that the Decree Holder, with the assistance of Artificial Intelligence, has manipulated certain photographs and produced the same before the Court. It is submitted that such an attempt has been made to mislead the Court, which warrants initiation of proceedings under Section 379 of the BNSS. It is further submitted that, when an application was filed seeking cognizance of the offence allegedly committed by the Decree Holder, the Trial Court committed an error in deferring consideration of the said application until the disposal of the case.

3. Per contra, learned counsel appearing for the respondents submits that, in the absence of the ingredients of Section 379 of the BNSS being made out, the Trial Court was justified in deferring consideration of the application until the final disposal of the case.

4. Considered the submissions made by the learned counsel for the parties and perused the impugned order.

5. Section 379 of the BNSS prescribes the procedure to be followed when the Court is of the opinion that any offence referred to in Section 215 appears to have been committed in, or in relation to, a proceeding before that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding before that Court. After such preliminary inquiry, if any, as it deems necessary, the Court is required to record a finding to that effect and thereafter direct registration of a complaint and proceed with the inquiry in accordance with law.

6. In the present case, the alleged manipulation of the documents with an intent to mislead the Court is itself a matter to be adjudicated upon in the proceedings. In view of the procedure contemplated under Section 379 of the BNSS, unless a preliminary inquiry is conducted and a satisfaction is recorded to that effect, no action can be initiated under the said provision. It is for this reason that the Trial Court has deferred consideration of the application filed by the petitioner herein. In that view of the matter, this Court finds no error warranting interference with the impugned order.

7. Accordingly, the writ petition is ***dismissed***.

SD/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 11