HC-KAR
NC: 2026:KHC:62371
CRL.P No. 2624 of 2021
CNR: KAHC010133412021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 2624 OF 2021 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. SRI YOGESH RAJPUROHIT
C/O SRI SHANTILAL
AGED ABOUT 19 YEARS
NO.30/1, SHANTHI VILLA
2ND CROSS, HOTEL LALITH MAHAL
SOURASHTRAPET, BENGALURU SOUTH
CHICKPET
BENGALURU-560 053

…PETITIONER

(BY SRI. B.A. BELLIAPPA, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE BY COTTON PET POLICE STATION
REPRESENTD BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001.

2. PASSPORT OFFICER
REGIONAL PASSPORT OFFICE
BENGALURU-560 095.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1,
SRI. TIMMANNA BHAT, CGC FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR IN CRIME NO.16/2021 DATED 18.01.2021

CNR: KAHC010133412021

REGISTERED BY COTTONPET POLICE FOR THE OFFENCES P/U/S 420, 468 OF IPC AND SECTION 12(1)(b) OF PASSPORT ACT, AT ANNEXURE-A PENDING ON THE FILE OF XXXI ADDL.C.M.M., BENGALURU AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioner and also learned counsel for respondents.

2. This petition is filed by the petitioner for quashing the FIR in Crime No.16/2021 dated 18.01.2021 registered by the Cottonpet Police Station for the offences punishable under sections 420 and 468 of IPC and offence under section 12(1)(b) of the Passport Act, pending on the file of XXXI ACMM, Bengaluru.

3. The main contention of the petitioner is that the petitioner had obtained the passport and at that time he was minor, he was aged about 13 years and sought for change of date of birth, which was wrongly shown as

08.11.2003 instead of 08.11.2002. It is also the contention of the petitioner that for issuance of passport, the alleged documents said to have been submitted while issuing the passport by parents, as the petitioner was minor. Hence, he cannot be prosecuted and prayed this court to quash the proceedings against the petitioner.

4. Learned counsel appearing for the State/respondent also not disputed the fact that at the time of issuance of the passport earlier, he was minor, but police as per Annexure-B, consequent upon the Annexure-C, proceeded against the petitioner and learned counsel appearing for the respondent also brought to the notice of this court, the statement of objections filed by the respondent no.2 and also he contended that the birth certificate which was produced is also a fake document and to that effect document at Annexure-R4 is also issued by the Bruhat Bengaluru Mahanagara Palike that the birth certificate which the petitioners relies upon, is a fake document.

5. Learned counsel appearing for the State submits that based on the complaint, case is registered and matter requires investigation.

6. Having heard the petitioner counsel and also the counsel appearing for the respondent, admittedly, application form was given in terms of Ex.R1, wherein date of birth is mentioned as 08.11.2003. But the fact is that the applicant was a minor at that time. The same is also not disputed by the counsel appearing for the complainant and even if any such document is fake document as contended by the counsel appearing for the respondent no.2 as per annexure-R2 as well as, annexure-R4 endorsement issued by the Bangalore Mahanagara Palike and this petitioner being a minor, he cannot be prosecuted on the act of his parents and he was minor at that time and subsequently he had attained the majority. When these documents are very clear that he was a minor at the time of getting earlier passport, he cannot be prosecuted for the act of the parents. Hence petitioner has made out

the ground that he cannot be prosecuted. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. However admittedly, passport was obtained by showing the different date of birth, relying upon the document and the allegation is that the birth certificate is fake. If any such fake certificate is produced by the parents, they can proceed against the parents, but not against this petitioner. In view of the discussions made above, I proceed to pass the following order;

This petition is ***allowed***.

The proceeding against the petitioner in Crime No.16/2021 dated 18.01.2021 registered by the Cottonpet Police Station for the offences punishable under sections 420 and 468 of IPC and offence under section 12(1)(b) of the Passport Act, pending on the file of XXXI ACMM, Bengaluru, is hereby quashed.

However liberty is given to the respondent no.2/complainant to proceed against the parents, if the respondent No.2 chooses to initiate the proceedings.

Sd/-
(H.P.SANDESH)
JUDGE

AKV
CT:SM
List No.: 1 Sl No.: 24