HC-KAR

NC: 2026:KHC:63548
CRL.P No. 2323 of 2024

CNR: KAHC010137622024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.2323 OF 2024

BETWEEN:

SMT. CHITRA B
W/O RAMACHANDRA REDDY,
AGED ABOUT 50 YEARS,
ADVOCATE/NOTARY,
R/AT NO.5/1, 3RD CROSS,
EERAPPAREDDY LAYOUT,
BANASAWADI ROAD,
BENGALURU-560033.

...PETITIONER

(BY SRI. ABHILASH KUMAR M.N., ADVOCATE FOR
SRI. NANJUNDA GOWDA M.R., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
BY PULAKESHINAGAR POLICE STATION,
BENGALURU,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
BENGALURU-560001.

2. SRI. MOHAMMED HANIF SAIT
S/O MOHAMMED IBRAHIM SAIT,
AGED ABOUT 56 YEARS,
R/AT NO.511,
4TH MAIN, 1ST STAGE,

H.B.R. LAYOUT,
BENGALURU CITY.

…RESPONDENTS

(BY SRI. MAHESHA P., HCGP FOR R-1;
SRI. C.R.RAGHAVENDRA REDDY, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.33606/2023 (CR.NO.317/2021) OF PULAKESHINAGAR POLICE NOW WHICH IS PENDING ON THE FILE OF THE I ACMM BENGALURU FOR THE OFFENCE P/U/S. 199, 200, 205, 209, 420, 465, 468, 417, 419, 471, 120(B), 511 R/W SEC.34,35 OF IPC AGAINST THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.33606/2023, arising out of Crime No.317/2017 dated 27.08.2021, filed by the Pulakeshinagar Police Station, Bengaluru City, against the petitioner and other accused for the offences punishable under Sections 199, 200, 205, 209, 417, 419, 420, 465, 468, 471, 120(B), 511 r/w 34 and 35 of IPC, pending on the file of the I Addl. Chief Metropolitan Magistrate, Bengaluru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 27.08.2021 against seven accused persons, alleging that he was running a second-hand car showroom along with his brother-in-law, Mohammad Ismail Sait, his wife Smt. Nazeema Banu, and their son, Khader Sait. It is alleged that while searching for a vacant space to run the showroom, Mohammad Ismail Sait was offered vacant premises by one Rajavelu on a monthly rent of Rs.5,000/- with a security deposit/advance of Rs.2,00,000/-, and they took the premises and commenced running the showroom. During the year 2004, one Jameel Basha approached the complainant claiming that Rajavelu had executed a General Power of Attorney (GPA) in his favour and demanded payment of rent, while simultaneously one Smt. Vijaya approached him claiming to be Rajavelu's wife and demanded that rent be paid to her. To avoid these conflicting claims, the complainant instituted a civil suit in O.S.No.15179/2004 against Rajavelu and others, and owing to his brother-in-law's ill health, gave the GPA to the 2nd respondent. It is further alleged that the GPA produced was a

forged document allegedly fabricated by accused Nos.1 and 2, that Rajavelu subsequently expired, that the brother-in-law of the 2nd respondent expired on 17-07-2018, and that one Jayapriya and others instituted O.S.No.25876/2020 against Nazeema Banu and Khadar Sait for declaration.

3. It is further alleged that in July 2021, when CID police visited near the showroom and made enquiries, it came to light that Smt. Vijaya had instituted S.C.No.113/2017 before the 19th Additional Small Causes Court, Bengaluru, wherein John Moses was also a party on 11-01-2017, against one Kumar on the basis of an allegedly forged unregistered GPA, claiming that John Moses had executed a rental agreement for Rs.5,000/- per month renewed on 10-10-2015, along with created BBMP Katha certificate, Katha extract, and forged advocate details with Advocate V. Narayana and forged Advocate Kanthamma, which suit was dismissed on 29-06-2017 on account of forged documents produced before the court. The specific allegation against the petitioner, arraigned as accused No.7, is that being an Advocate and Notary, despite having knowledge that the GPA was fabricated, she notarised the rental agreement,

affidavit, and other connected documents. Upon completion of investigation, respondent No.1-Police filed the charge sheet against the petitioner and other accused persons for the aforesaid offences, and the learned Magistrate took cognizance thereof, aggrieved by which the petitioner has approached this Court.

4. Heard the learned counsel for the parties.

5. The only contention urged by the learned counsel for the petitioner is that the petitioner is a Notary and, in terms of Section 13 of the Notaries Act, 1952, there is a statutory bar against taking cognizance of any offence alleged to have been committed by a Notary in the discharge of his or her official functions, except upon a complaint in writing made by an Officer authorised by the Central or State Government by general or special order in this behalf. In the instant case, the complaint has been lodged by respondent No.2, who is not an authorised officer as contemplated under the said provision. Hence, the order taking cognizance is bad in law. Accordingly, he prays to allow the petition.

6. The said prayer is opposed by the learned HCGP. However, he fairly contended that the complaint in the present case has not been lodged by an authorised person, as contemplated under Section 13 of the Notaries Act, 1952.

7. I have carefully perused the complaint averments and charge sheet materials.

8. It is not in dispute that the petitioner was functioning as a Notary. No doubt, there is an allegation against the petitioner that, knowing fully well that the documents were forged, she attested the rental agreement and two affidavits without making corresponding entries in the register maintained by her. However, on a perusal of Section 13 of the Notaries Act, 1952, it is evident that there is a specific statutory bar against any Court taking cognizance of an offence alleged to have been committed by a Notary in the exercise or purported exercise of his or her functions under the said Act, except upon a complaint in writing made by an Officer authorised by the Central Government or the State Government by general or special order in this behalf.

9. In the instant case, the averments in the charge sheet clearly disclose that the complaint was not lodged by any Officer authorised by the Central Government or the State Government, as contemplated under Section 13 of the Notaries Act, 1952. Such being the position, the statutory requirement for taking cognizance has not been complied with. Consequently, the order passed by the learned Magistrate taking cognizance of the alleged offences against the petitioner/accused No.7 cannot be sustained in law. Accordingly, I proceed to pass the following:

ORDER

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

ii. The proceedings against petitioner/accused No.7 in C.C.No.33606/2023, arising out of Crime No.317/2017 dated 27.08.2021, filed by the Pulakeshinagar Police Station, Bengaluru City, for the offences punishable under Sections 199, 200, 205, 209, 417, 419, 420, 465, 468, 471, 120(B), 511 r/w 34 and 35 of IPC, pending on the file of I Addl. Chief Metropolitan Magistrate, Bengaluru., are hereby quashed.

iii. However, liberty is reserved to the State/prosecution to initiate appropriate proceedings against the petitioner, if so required, in accordance with law.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 25