HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

CRIMINAL PETITION NO. 3142 OF 2026

BETWEEN:

MR.SHAKIB UR RAHAMAN
S/O LATE ABHIB UR REHAMAN,
AGED ABOUT 39 YEARS,
R/AT NO.3850, BALEGARA STREET,
NEAR SHAFFI MASIQ, NAVAYATHVADI,
HASSAN TOWN, HASSAN.

...PETITIONER

(BY SRI. MOHAMMED MOIN ULLA.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   HASSAN CITY POLICE,
   HASSAN,
   REPRESENTED BY GOVERNMENT PLEADER,
   HIGH COURT OF KARNATAKA,
   BENGALURU- 560001.

2. SMT. MARIYA
   W/O. LATE AZHAR NADEEM,
   AGED ABOUT 35 YEARS,
   R/AT NO.MIG 2, 2ND MAIN,
   KUVEMPUNAGAR, HASSAN

...RESPONDENTS

(BY SRI. AYUB ALI KHAN, ADDL. SPP FOR R1

SRI. MOHAMMAD RASHUF M., ADVOCATE FOR R2)

Digitally signed by GEETHA P G
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C. (U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDING IN CC.NO.4975/2023 ARISING OUT OF CR.NO.88/2022 REGISTERED BY HASSAN CITY P.S., AS PER DOCUMENT NO.4, PENDING BEFORE THE HONBLE PRL. CIVIL JUDGE (JR.DN) AND JMFC, AT HASSAN, FOR THE OFFENCES P/U/S 177, 120(B), 34 OF IPC.

THIS PETITION, COMING ON FOR ADMISSION THROUGH VIDEO CONFERENCING / PHYSICAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

Upon the death of one Azhar Nadeem, respondent No.2 herein, claiming to be his wife, got a death certificate issued by the Kotekar Town Panchayat on 17.11.2021. Thereafter, accused No.1 in C.C. No.4975/2023, claiming to be the wife of the deceased Azhar Nadeem and without disclosing the earlier issuance of the death certificate, got another death certificate issued by the Hassan City Municipality on 19.01.2022 by stating that the said Azhar

Nadeem died in Hassan due to a heart attack. Hence, respondent No.2 has filed a complaint against accused No.1 and accused No.2, alleging that accused No.1 conspired with accused No.2 to obtain a false death certificate in her favour.

2. Based on the complaint of respondent No.2, respondent No.1- Police have investigated the case and filed a police report against both accused No.1 and the petitioner herein (accused No.2) for the offences punishable under Sections 177, 120B and 34 of the Indian Penal Code, 1860 (for short, 'the IPC'). Aggrieved by the same, the present petition is filed by the petitioner (accused No.2).

3. The case of the petitioner is that he is not guilty of the offences alleged and that he never conspired with accused No.1 in obtaining the death certificate as alleged. He further submits that as per Sections 177 of the IPC, a person who is legally bound to furnish information on any subject to any public servant, furnishes a false information

that person can be punished. It is submitted that the petitioner was not legally bound to submit any information and he has not submitted any information to the authorities concerned and only accused No.1 has submitted the necessary information. He submits that he knows accused No.1, but he is not part of any of the activities done by accused No.1. He further submits that as per the police report materials, even if the same were to be believed as true, the petitioner cannot be held guilty of the offence under Section 177 of the IPC. It is further submitted that once it is held that the petitioner is not guilty of the main offence, the question of him being charged under Section 120B or 34 of the IPC does not arise. It is also contended that the police have not applied their mind while filing the police report and for the same offence both Sections 120B and 34 of the IPC could not have been invoked, which has being done in the instant case and that itself shows that the police have

mechanically filed the charge sheet without applying their mind.

4. *Per contra*, the learned Additional Special Public Prosecutor justifies the proceedings initiated against the petitioner and prays for dismissal of the petition.

5. The question that arises for consideration is:

> "Whether, even presuming the statements made before respondent No.1 - Police by the witnesses are considered to be true, the petitioner can be convicted in the instant case?"

6. The allegation against the petitioner is that accused No.1 furnished false information to the Hassan City Municipality stating that her husband, Azhar Nadeem, died of a heart attack at Hassan, and on that basis obtained a death certificate, which is alleged to be false. It is further alleged that the said death certificate was obtained inspite of an earlier death certificate having already been issued in favour of respondent No.2. The

allegation against the petitioner herein is that accused No.1 conspired with accused No.2 in obtaining the false death certificate.

7. Neither the complaint nor the witness statements recorded by the police reveal how accused No.1 conspired with the petitioner in this regard and what is the role of the petitioner in the same.

8. Section 177 of the IPC reads as under:

> *"**177. Furnishing false information**.—Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;*
>
> *or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of*

either description for a term which may extend to two years, or with fine, or with both. "

9. Under the aforementioned section, only a person who is legally bound to furnish information on any subject to any public servant, if submits a false information can be punished. The petitioner herein is not obliged to furnish any information to the authorities concerned. It is not the case of the respondents that the petitioner herein has furnished any information to the authorities concerned. It is their case that accused No.1 conspiring with the petitioner herein, has submitted false information to the authorities concerned. However, the allegations or the witness statements does not reveal the manner in which the petitioner herein has conspired with accused No.1 in this regard.

10. The allegations made against the petitioner are bald and without any substance and as he cannot be punished under Section 177 of the IPC and that there is no *prima facie* material against the petitioner for the offences

alleged against him. Hence, I am of the opinion that it is a fit case for quashing the proceedings against the petitioner herein is concerned.

11. For the aforementioned reasons, the Criminal Petition is hereby ***allowed*** and the proceedings in C.C.No.4975/2023, pending on the file of Principal Civil Judge (Junior Division) and JMFC, Hassan stands quashed, only insofar as it relates to the petitioner herein (accused No.2) is concerned. This order will not come in the way of the Court proceedings against accused No.1 in the manner known to law.

12. Pending I.As., if any, stand disposed of.

Sd/-
(M.I.ARUN)
JUDGE

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List No.: 1 Sl No.: 23