HC-KAR

NC: 2026:KHC:62341
WP No. 9115 of 2021

CNR: KAHC010192762021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.9115 OF 2021 (GM-RES)

BETWEEN:

KUM GEETHA H G
D/O GOPA NAYAKA
AGED ABOUT 34 YEARS
R/AT HALEPURA VILLAGE AND POST
KAVALANDE HOBLI,
NANJANGUDU TALUK
MYSORE DISTRICT - 571 312

...PETITIONER

(BY SRI SATISH.K, ADVOCATE)

AND:

THE INSPECTOR OF POLICE
DIRECTORATE OF CIVIL RIGHT ENFORCEMENT
MYSORE DISTRICT
MYSORE -570 001

...RESPONDENT

(BY SRI C.JAGADISH, ADVOCATE)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO CALL FOR RECORDS AND QUASH THE IMPUGNED CHARGE SHEET DATED 31.01.2019 (ANNEXURE-M) FILED BY THE RESPONDENT AND THE ENTIRE PROCEEDINGS IN SPECIAL CASE NO.135/2019 ON THE FILE OF VI ADDITIONAL DISTRICT AND SPECIAL JUDGE, MYSORE (ANNEXURE-N) AND ETC.,

CNR: KAHC010192762021

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri K.Satish, learned counsel for the petitioner and Sri C.Jagadish, learned counsel for the respondent.

2. Petition under Article 226 of the Constitution of India r/w Section 482 of the Code of Criminal Procedure with the following prayer:

> *"Issue writ or order quashing the impugned charge sheet dated 31.01.2019 (Annexure-M) filed by the respondent and the entire proceedings in Special Case No.135/ 2019 on the file of VI Additional District and Special Judge, Mysuru (Annexure-N), in the interest of justice and equity."*

3. At the outset, apart from the grounds urged in the petition, the main plank on which the petitioner is challenging the filing of the charge sheet is that the investigation is conducted by an improper person who had no authority under the Act. Therefore, charge sheet is vitiated in view of Rule 7 of

the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

4. Sri C.Jagadish, learned counsel for the respondent did not dispute the fact that investigation is conducted by an Inspector, whereas for filing of charge sheet under Section 3(1)(q) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the investigation is to be conducted by an Officer not below the rank of Deputy Superintendent of Police.

5. Therefore, very filing of the charge sheet itself stood vitiated.

6. Accordingly, the following:

ORDER

i. Petition ***allowed***.

ii. Proceedings in Special Case No.135/2019 pending on the file of the VI Additional District and Special Judge, Mysuru, is hereby quashed.

iii. Charge sheet is ordered to be returned in view of Rule 7 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

iv. The investigation agency is at liberty to get the matter investigated pursuant to the complaint lodged by the respondent, through an authorized investigation officer not below the rank of Deputy Superintendent of Police and file appropriate report, in accordance with law.

v. All contentions kept open to be urged or explained to the investigation agency.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 67
CT:VRR