HC-KAR
NC: 2026:KHC:61910
CRL.P No. 4953 of 2022
CNR: KAHC010238102022

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.4953 OF 2022

BETWEEN:

SMT. USHA
D/O LATE A S KANTHAREDDY
AGED ABOUT 34 YEARS
R/O 2ND CROSS, 7TH MAIN
SHANKAR NAGAR
BANGALORE -560 096

...PETITIONER

(BY SRI. VACHAN GOWDA, ADVOCATE FOR
SRI VIJETHA R NAIK, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
THROUGH HIRIYUR POLICE
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA BUILDING
BENGALURU -560001

2. SMT. JAMUNA
W/O LATE A S KANTHAREDDY
AGED ABOUT 40 YEARS
R/O 4TH CROSS
HOSPITAL ROAD
SIDDANAYAKA CIRCLE
HIRIYUR-572501

3. SRI K CHETHAN KUMAR
S/O LATE A S KANTHAREDDY
AGE 42 YEARS
OCC JUNIOR ASSISTANT
TALUK OFFICE
HIRIYUR-572501

…RESPONDENTS

(BY SRI M DIVAKAR MADDUR, HCGP FOR R1;
SRI B V SIDDARAMAIAH, ADVOCATE FOR R2 & R3)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 07.11.2019 IN C.C.NO.473/2022 (OLD C.C.NO.217/2014) PASSED BY THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., HIRIYUR (NOW PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND J.M.F.C., HIRIYUR) ON THE APPLICATION FILED BY THE PETITIONER U/S 91 OF CR.P.C. 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

This petition is filed praying this Court to set aside the order dated 07.11.2019 passed on the application filed by the petitioner under Section 91 of Cr.P.C in C.C.No.473/2022 (old C.C.No.217/2014).

2. Heard the learned counsel appearing for the respective parties.

3. The counsel appearing for the petitioner would submit that this petition is filed challenging the order of rejection passed on the application filed under Section 91 of Cr.P.C. The counsel would submit that a fraud has been committed and forged the signature and filed the documents before the Tahsildar. In order to send the documents for FSL and get the report to prove the offences of Sections 468 and 471 of IPC, the said documents are necessary. The counsel would submit that no need to examine the Tahsildar but the documents are very much necessary and cannot take the certified copies of those documents.

4. The counsel appearing for respondent No.2 would submit that even having perused the application which is filed before the Trial Court invoking Section 91 of Cr.P.C., the said contention has not been stated in the said application and for the first time, before this Court arguing that those documents are necessary to prove the offence

of forgery and get the opinion. Hence, the Trial Court rightly rejected the application filed under Section 91 of Cr.P.C.

5. Having heard the learned counsel appearing for the petitioner and also the learned counsel appearing for respondent No.2 and the learned High Court Government Pleader appearing for the State and particularly taking into note of the contents of the complaint filed and application filed under Section 91 of Cr.P.C., it discloses that the counsel for respondent No.2 has rightly pointed out that no such averments are made in the application before the Trial Court stating that those original documents are required to send to the FSL and get the opinion in order to prove the charges of forgery. Having taken note of the contents of the application filed under Section 91 of Cr.P.C. before the Trial Court and application is also not gives any details that for what purpose, those documents are required except making only one sentence that in the

said document the accused forged his signature and also committed the fraud. But the documents for what purpose is required also not stated and only summoning of documents is stated. In view of the submission and also considering the contents of the application filed under Section 91 of Cr.P.C. and objections to the said application as well as the reasoning given by the Trial Court, I do not find any error on the part of Trial Court in rejecting the application. However, if really the documents are required i.e., original documents from the office of Tahsildar in order to prove the forgery, necessary averments requires to be made in the application. Hence, liberty is given to the petitioner to set out the reasons for summoning of documents for the purpose for which he intends to secure the same and send the documents to the handwriting expert. Hence, it is not a case for setting aside the order as this Court does not find any error on the part of the Trial Court in rejecting the application since the same was not the contents of the said application.

6. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

However, liberty is given to the petitioner to file fresh application before the Trial Court, if required in view of observation.

Sd/-
(H.P.SANDESH)
JUDGE

SN