



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA

CRIMINAL PETITION NO. 305 OF 2018 (482)

BETWEEN:

1. VIDYA SACHITANAND SUVARNA
W/O. SACHITANAND SEENA SUVARNA,
AGED ABOUT 36 YEARS,
R/AT NO. 947, FLAT NO.101,
1ST FLOOR, COMFORT NEST APARTMENTS,
2ND CROSS, 1ST MAIN,
NEW THIPPASANDRA POST,
BANGALORE-560 079.
2. SACHIDANAND SEENA SUVARNA
S/O. SEENA SUVARNA,
AGED ABOUT 40 YEARS,
R/AT NO.947, FLAT NO. 101,
1ST FLOOR, COMFORT NEST APARTMENTS,
2ND CROSS, 1ST MAIN,
NEW THIPPASANDRA POST,
BANGALORE-560 079.

...PETITIONERS

(BY SRI. JEEVAN.J.NEERALAGI, ADVOCATE)

AND:

1. THE STATE
BY HENNUR POLICE,
BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.
2. SYED TOUFIQ AHMED
S/O. SYED MAHABOOB,
AGED ABOUT 38 YEARS,





R/AT NO. 397, 8TH MAIN ROAD,
SADANANDANAGAR,
EAST OF NGEF, BANGALORE-560 038.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;
SRI.P.B.AJIT, ADVOCATE FOR R-2)

THIS CRL.P IS FILED UNDER SECTION 482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO QUASH THE ENTIRE CHARGE SHEET IN CONNECTION WITH C.C.NO.59520/2017 PENDING ON THE FILE OF XI ADDL.C.M.M., BENGALURU FOR THE OFFENCE PUNISHABLE UNDER SECTION 417, 419, 420, 465, 468, 471, 504 AND 506 READ WITH 34 OF IPC PERTAINING TO HENNUR POLICE STATION.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. This petition is filed challenging the registration of a First Information Report which has ultimately culminated in filing of a charge-sheet.
2. It is not in dispute that petitioner No.1 was earlier a partner of the firm along with the complainant. It is also not in dispute that the petitioners had filed a private complaint being aggrieved by the alleged concoction of a retirement deed, under which petitioner No.1 came out of the firm and the wife of respondent No.2 was inducted into the firm.



3. After the initiation of criminal proceedings by the petitioners, a complaint was presented under Section 200 of Criminal Procedure Code, 1973 ("**Cr.P.C.**") against the petitioners (wife and husband) alleging that certain false income tax returns had been submitted by the petitioners in the complaint that they had lodged against respondent No.2 and this constituted offences under Sections 193, 195, 196, 209, 417, 419, 420, 465, 468, 471, 504, 506(B) of the Indian Penal Code, 1860 ("**IPC**").

4. The police, after investigation, have laid a charge-sheet against the petitioners for offences under Sections 417, 419, 420, 465, 468, 471, 504, 506 read with Section 34 of IPC.

5. It may be pertinent to state here that the entire gist of the allegations of respondent No.2 was that the income tax returns that the petitioners had submitted along with their complaint were forged documents. However, in the charge-sheet, it is merely stated that during investigation, with the intent of cheating, the petitioners had furnished



forged income tax returns and which had the fake seals of a Chartered Accountant and signatures.

6. Having regard to the fact that petitioner No.1 was a partner of the firm, the furnishing of alleged forged income tax returns by petitioners in their complaint, cannot be construed as cheating respondent No.2 in any manner.

7. If, in fact, the income tax returns of some other person had been forged, it was for that person to initiate action and respondent No.2 herein cannot complain that he has been cheated by virtue of this particular forgery.

8. It may also be pertinent to state that if, as a matter of fact, the petitioners had produced forged documents, it is for the appropriate Court to which the forged documents are produced to initiate action against the petitioners. Respondent No.2 cannot contend that the documents produced before a Court of law are a forgery and therefore, initiate proceedings under Section 200 of Cr.P.C.



9. I am, therefore, of the view that the impugned proceedings initiated against the petitioners are without jurisdiction and they are accordingly ***quashed***.

10. The petition is accordingly ***allowed***.

11. In view of the disposal of the petition, all pending interlocutory applications, if any, stand disposed of.

**Sd/-
JUDGE**

RK
List No.: 1 Sl No.: 31