



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10480 OF 2025



BETWEEN:

DR. SOMASHEKAR S.P.,
S/O PRASANNA KUMAR.S,
AGED ABOUT 53 YEARS,
RESIDING AT J-NEST 8,
HOUSE NO.303, L.G HALLI,
R.M.V IIND STAGE, DOLLARS COLONY,
BENGALURU - 94.
(ADDRESS AS PER AADHAR CARD)

...PETITIONER

(BY SRI. H.S.CHANDRAMOULI, SENIOR ADVOCATE A/W
SRI.RAJATH., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY J.B NAGAR P.S,
BENGALURU.
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
AT BENGALURU, AMBEDKAR VEEDHI,
BENGALURU - 01.
2. DR. SHANKAR B.C,
S/O C.S.CHANDRAPPA,
AGED ABOUT 45 YEARS,





RESIDING AT NO.98/2, MANIPAL HOSPITAL,
RUSTOM BAGH, OLD AIRPORT ROAD,
BENGALURU - 560 017.

...RESPONDENTS

(BY SMT.WAHEEDA M.M., HCGP FOR R1;
SRI. H.MUJTABA, ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S 482 CR.PC (FILED U/S 528
BNNS) PRAYING TO PASS AN ORDER QUASHING THE ENTIRE
PROCEEDINGS IN CC 70189/2024 ARISING OUT OF FIR DATED
10.12.2022 IN CR NO.277/2022 REGISTERED BY THE
RESPONDENT NO.1 J.B NAGAR P.S, BENGALURU PENDING
BEFORE THE LD. X ADDL.CMM AGAINST THE PETITIONER
HEREIN FOR THE OFFENCES P/U/S 465 AND 471 OF I.P.C.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner, a doctor, stands before the Court calling in
question proceedings in C.C.No.70189 of 2024 registered for
offences punishable under Sections 465 and 471 of the IPC.

2. Heard Sri H.S. Chandramouli, learned senior counsel
appearing for the petitioner, Smt. Waheeda M.M., learned High
Court Government Pleader appearing for respondent No.1/State



and Sri H.Mujtaba, learned counsel appearing for respondent No.2.

3. Shorn of unnecessary details, facts in brief, germane, are as follows: -

3.1. The petitioner, a qualified Oncologist, joins the service of Manipal Hospital in the month of August 2003; works at Manipal Hospital up to 1-09-2022 in various capacities such as, Head of Oncology Department, Cancer Speciality Director and Chairman of the Surgical Department. The petitioner after rendering nearly 2 decades of service at Manipal Hospital, gets an employment in Aster DM Healthcare, Bengaluru to the post of Director, Oncology Services. In furtherance of the said offer, an employment communication dated 13-06-2022 was issued to the petitioner followed by a formal letter of appointment. Consequent upon such appointment order, the petitioner tendered his resignation to the administration of Manipal Hospital. The resignation was accepted and he was duly relieved of his duties. Thereafter, the petitioner joins duties at Aster Hospital.



3.2. After the petitioner joins at Aster DM Healthcare, between 8-11-2022 and 21-11-2022 Manipal Hospital is said to have received an electronic communication from an entity known as Dataflow Services, whose services Aster DM Healthcare had engaged for the purpose of verification of certificates of all doctors in the Hospital. The electronic communication from Dataflow Services goes to Manipal Hospital for verification of an experience certificate said to have been issued by Manipal hospital. The issue crops up then, on the score that Manipal Hospital has never issued any experience certificate and the signature found on the experience certificate is said to be forged.

3.3. On the premise of alleged act of forgery by the petitioner, a complaint comes to be lodged before the jurisdictional Police alleging commission of offences punishable under Sections 465 and 471 of the IPC for the offences pertaining to forgery and use of forged documents. The complaint becomes a crime in Crime No.277 of 2022. Investigation is conducted and upon completion thereof, the Police file a 'B' report, finding no material to prosecute the



petitioner. The 2nd respondent/Manipal Hospital – complainant prefers a protest petition. The concerned Court rejects 'B' report, takes cognizance of the aforesaid two offences and issues summons to the petitioner. It is issuance of summons that drives the petitioner to this Court in the subject petition.

SUBMISSIONS:

PETITIONER:

4. Learned senior counsel Sri H.S. Chandramouli along with Sri Rajath appearing for the petitioner would vehemently contend that the entire prosecution is founded upon absurdity. The petitioner possessed professional experience, which the whole world knew and did not want any experience certificate for that purpose as he was most eminent Oncologist in the city of Bengaluru. It is only a heart-burn that the petitioner leaves Manipal Hospital and joins the other hospital. All was well for three months. The staff who were with the petitioner also left Manipal Hospital and joined at Aster DM Healthcare. It is then all the problems have cropped up. He would submit that there was no necessity for the petitioner to have forged the



experience certificate which is said to have been issued by Manipal Hospital.

COMPLAINANT:

5. Contrariwise, the learned counsel appearing for the 2nd respondent/Manipal Hospital would submit that the signature appearing on the experience certificate is demonstrably forged, as it is the finding of a private Forensic Laboratory, which according to him prima facie establishes forgery of the signature. He would submit that experience certificate is not forged, but the signature on the certificate is forged. He would contend that the concerned Court has appropriately rejected 'B' report and has taken cognizance of the aforesaid offences and issued summons. The petitioner should come out clean in a full-blown trial.

6. The learned High Court Government Pleader would also toe the lines of the learned counsel appearing for the complainant.



7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

CONSIDERATION:

8. The foundational facts are largely undisputed. **The petitioner, a reputed oncologist of considerable standing, whose professional credentials are neither obscure nor disputed** enters the service of Manipal Hospital in the year 2003 in the Oncology Department, on 1-08-2003 and served the institution for nearly 19 years. Thereafter, the petitioner accepts a superior professional opportunity and joins a competing hospital - Aster DM Healthcare, as Director of Oncology Services. It appears that this departure from Manipal Hospital generated more than mere disappointment. **It seems to have sown the seeds of institutional resentment.** The resentment got amplified when the staff of Manipal Hospital working with the petitioner also moved to Aster DM Healthcare later.



9. When things stood thus, a communication from a third-party verification agency 'Dataflow Services' appears to have triggered the present controversy. It is at this juncture that the complainant suddenly discovers that the petitioner after rendering almost two decades of service has allegedly forged the signature on the experience certificate. **Significantly, the allegation is not that the petitioner has fabricated the experience certificate; rather the grievance is confined to the alleged forgery of a signature on a document certifying his experience that was otherwise unquestionable.**

10. **Nothing could be more startling, if not deeply disquieting than the spectacle of an institution accusing a doctor – who devotedly served it, for nearly 20 years, of forging proof of experience, that the institution itself had witnessed, benefitted from, can scarcely be denied by the institution.** Notwithstanding the same, a complaint comes to be registered by the 2nd respondent/Manipal Hospital. The complaint so registered reads as follows:



09-12-2022

Police Inspector or SHO
Jeevan Bheema Nagar Bangalore

Sir/s,

Sub: Complaint for fraudulent misrepresentation, Forgery,
and illegal use of official letter heads of Manipal
Hospital Old Airport Road Bangalore to make
fictitious claims

I Dr Shankar B C major by age and working for gain as
Head Medical Services at Manipal Hospital Old Airport
Road ["Hospital"] Bengaluru having address at Rustom
Bagh Old Airport Road Bengaluru which is the hospital
unit of M/s. Manipal Health Enterprises Private Limited a
company incorporated under Companies Act 1956 having
its registered office at #93/2 Rustom Bagh Old Airport
Road Bengaluru wish to file this complaint and state as
hereunder

1. That, intention of filing this complaint with this
authority is that one company operating under the
name & style Dataflow Services (India) Private
Limited claimed to be an employment background
verification company. The said company was
represented by its operations officer by name Ms
Poonam Rawat sent me an email on 8th November
2022 and 21st November 2022 10:55 seeking
information about the genuineness of the
documents, engagement profile Claimed, Tenure
Tenure profile claimed, achievement profiles
claimed on one of our doctors by name Dr.
Somashekhar S P who was heading our Oncology
division at our hospital
2. That in view of the foregoing solicitation made by
us were also provided certain documents which Dr
Somashekhar S P seemingly have used to seek his
engagement in Aster Hospital India and its Units
allegedly abroad. We pursued the document and
realised that the documents furnished by the
Dataflow Services (India) Private Limited for our



verification was forged one and were not genuine. **I also found the My Signatures were forged.** Further we also verified various data points claimed within the documents under my Forged signatures and so found that they were dodged. Citing this malicious activity, I have replied to Dataflow Services (India) Private Limited vide my email dated 21st November 2022 11:44 in reply that the documents so claimed by the Dr Somashekhar S P to seek engagement is forged and not genuine.

3. In fact, the increased incidents of this nature clearly show that organisation like Manipal will in future becomes soft target and the miscreants have no fear for law of the land. In the light of the foregoing, we humbly crave with your good offices that there is need for a conscious effort to checkmate these undesirable fallouts who function with an intent to unlawfully gain a benefit for themselves hence the complaint.
4. We are enclosing the copies of the email dated 8th November 2022, 21st November 2022, Copies of the documents Furnished by Dataflow Services (India) Private Limited for confirming the genuineness

We humbly urge your good offices to investigate the matter and take suitable actions against such miscreants. We state that the present case falls under your jurisdiction therefore we humbly urge your good offices to investigate the matter and take suitable actions against such miscreants.

Please acknowledge the receipt.

For Manipal Hospital Old Airport Road Bangalore
[Unit of M/s. Manipal Health Enterprise Private limited]"

This becomes a crime in Crime No.277 of 2022 for offences punishable under Sections 465 and 471 of the IPC.



11. Upon registration of the crime, investigation was conducted culminating in the Police filing a 'B' report. The investigating agency found no material to justify the prosecution. Ordinarily such closure ought to have brought the matter to a quietus, instead the Manipal Hospital files a protest petition, which culminates in the rejection of 'B' report and taking of cognizance of the afore-quoted two offences and issuance of process against the petitioner. The reasons so rendered in the order of issuance of summons are as follows:

"

5. It is the specific allegation of the complainant that, accused used to work as a Doctor with Manipal Hospital and in order to obtain employment at Aster Hospital, forged the signature of CW1 on the letter head of Manipal Hospital and submitted the same at Aster Hospital. Complainant has produced the Emails received from Dataflow for verification along with experience certificate and log book submitted by the accused for the employment which is produced as Ex.C5. CW1 has also produced Email conversations between him and Dataflow as Ex. C6 to 10. He has also produced the FSL report which is marked as Ex.C11, where the independent Forensic Lab gave opinion that, signature found in the experience certificate sent by Dataflow for verification did not belong to CW1.

6. At this stage, on perusal of the complaint and the sworn statement and the documents produced, the complainant has made out the prima facie case for issuing process against accused for answering the plea for the offences punishable under Section 465, 471 of IPC. Hence, I proceed to pass the following:



ORDER

Cognizance is taken against accused for the offence punishable under Section 465, 471 of I.P.C.

Office is directed to register the case against the accused in Register No.III for the offence punishable under Section 465, 471 of I.P.C.

Issue summons to accused, if steps taken,

R/by 10.01 2026.”

The cognizance order appears to have been passed upon Forensic Laboratory report of a private entity, which is sent by the complainant, and endorsed by the complainant. Such report of private Forensic entity cannot be given any credence is now too well settled a principle of law. Forensic examination must be done by an authorized Government laboratory which would be the Forensic Science Laboratory established by the State. The order of taking cognizance basing purely on the private Forensic information cannot be sustained on this reason as well. As observed hereinabove, it is this order that drives the petitioner to this Court in the subject petition. If the complaint and issuance of summons are read in tandem, on the face of the record, the 'B' report merited acceptance. **What emerges prima facie is less a case of criminality and more an**



instance of criminal law being invoked as an instrument of retaliation. The timing, circumstances and nature of allegation unmistakably suggest an attempt to arm-twist the petitioner from choosing to leave one institution to another. Criminal prosecution cannot be permitted to degenerate into such a weapon.

12. **The allegation that the petitioner forged the signature on the experience certificate, which he neither requires nor stood to materially benefit from is so inherently improbable that compelling him to undergo the rigmarole or an ordeal of trial would itself amount to punishment.** The learned Magistrate while rejecting the 'B' report has failed to advert to the surrounding circumstances and the material gathered during investigation. The order of taking cognizance after rejecting 'B' report suffers from blatant non-application of mind.

13. Doctors must be left to pursue the noble avocation of healing, untrammled by the looming spectre of unwarranted criminal prosecution. A medical professional ought not to be



drawn into the dragnet of criminal law, unless the allegations unmistakably disclose overwhelming criminality or culpable negligence of such a degree as to border upon a criminal offence. To invoke the coercive machinery of criminal law on anything less would not merely inflict grave prejudice upon the individual doctor, but would also cast a chilling shadow over the fearless discharge of medical duties.

14. The learned counsel for the petitioner has placed on record, the documents to demonstrate unquestionable repute of the petitioner and his standing in the field of Oncology. **The elevated role in a competing hospital cannot mean that a doctor would indulge himself in forgery.** To iterate, resentment, however profound or deeply felt, is no substitute for the ingredients of a criminal offence. Criminal law cannot be permitted to become an instrument for the vindication of institutional displeasure or personal animosity. It is in these circumstances, the Apex Court in the case of **STATE OF HARYANA v. BHAJAN LAL**¹ has held as follows:

¹ 1992 Supp (1) SCC 335



"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.**
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.



- (5) **Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.**

- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

- (7) **Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."**

(Emphasis supplied)

It has been repeatedly declared that a criminal proceeding which, on its very inception, bears the unmistakable imprint of abuse of the process of law ought to be nipped in the bud. In the case at hand, however, the proceeding has travelled beyond that embryonic stage; the bud has partially blossomed, only to reveal the unmistakable contours of an abuse of the criminal process. To implicate the petitioner- a doctor, in criminal action not for any independent culpable act, but



merely because stands caught in the cross fire of two competing hospitals, would on the face of it, be a patent abuse of the process of the law. The allegations levelled against the petitioner, even if accepted at their highest, fail to disclose the commission of any offence known to law. To nevertheless compel the petitioner to endure the rigours of a criminal trial would run afoul of the principles enunciated by the Apex Court in the judgment noticed *supra*. **Such a course would inexorably culminate in a miscarriage of justice.**

15. **The criminal justice system exists to vindicate genuine legal wrongs, punish culpable conduct, and preserve the rule of law. It is not designed to serve as a convenient forum for ventilating institutional resentment, personal vendetta, or wounded pride under the thin veneer of criminal allegations. To permit the criminal process to be so employed would erode its sanctity.**

16. **This Court consciously refrains, for the present, from venturing into the question of initiating**



proceedings for malicious prosecution against the complainant. The peculiar facts obtaining in the present case would have furnished substantial grounds for serious contemplation of such a course. The Court, nevertheless, leaves that question open, trusting that this order will itself serve as a reminder that the majesty of criminal law cannot be invoked to settle scores born out of resentment or institutional displeasure.

17. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petition is **allowed**.
- (ii) Entire proceedings in C.C.No.70189 of 2024 arising out of Crime No.277 of 2022 pending before the X Additional Chief Metropolitan Magistrate, Bengaluru stand quashed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp
List No.: 2 Sl No.: 2