



CNR: KAHC010035952025

NC: 2026:KHC:57518
CRL.P No. 904 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 904 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

SRI. KASHILINGEGOWDA S B
S/O LATE BORAIAH,
AGED ABOUT 36 YEARS,
PSI BYADARAHALLI POLICE STATION,
BENGALURU CITY 560091

R/AT NO.151, NEAR HUTTADA MAYAMMA TEMPLE,
SANABA, TUMKURU-57211.

...PETITIONER

(BY SRI. NARAYANASWAMY K N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
KARNATAKA VIDHANA SOUDHA POLICE STATION
BANGALORE,
REP BY STATE SPECIAL PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDINGS,
BANGALORE 560001.
2. S.T.CHANDRASHEKAR
AGED ABOUT 59 YEARS,
ASSISTANT COMMISSIONER OF POLICE,
DEPARTMENT OF ENQUIRY,
BANGALORE CITY-560001.
3. RAGHAVENDRA H. EDAGI,
S/O HANUMANT EDAGI PATIL,
AGED ABOUT 41 YEARS,



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R/AT OPP. MES COLLEGE,
NEAR INDIAN OVERSEAS BANK,
MALLESHWARAM 15TH CROSS,
BENGALURU-560003.

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
R2-SERVED;
SRI. PHANIRAJ KASHYAP., ADVOCATE FOR R3)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO CALL FOR L.C.R. IN CRIME. NO. 118/2024 OF VIDHANA SOUDHA POLICE NOW WHICH IS PENDING ON THE FILE OF THE HON'BLE XLI ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, BANGALORE CITY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs
 - a. *Call for L.C.R. in Crime. No. 118/2024 of Vidhana soudha Police now which is pending on the file of the Hon'ble XLI Additional Chief judicial magistrate court, Bangalore city.*
 - b. *Quash the F.I.R in Crime. No. 118/2024 of Vidhana soudha Police now which is pending on the file of the Hon'ble XLI Additional Chief judicial magistrate court, Bangalore city for the offences punishable under sections, 198,420, 465,468,471, of Indian Penal Code.*
 - c. *Grant such other relief that this Hon'ble court deems fit in the facts and circumstances of the case in the interest of Justice.*

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2. A complaint was filed by respondent No.2 on information being provided by respondent No.3 and one Sri.Lingaraju that the petitioner had got fabricated the register relating to issuance of administration of vaccinations, changing the Date of birth of the petitioner from 15.04.1988 to 15.04.1987 so as to make himself eligible to take part in the selection process for the post of the Police Sub-Inspector and on that basis it is contended that there are offences which were committed under Section 198, 420, 465, 468 and 471 of the IPC.
3. Pursuant to the said complaint, an FIR in Crime No.118 of 2024 was registered by the Vidhana Soudha Police Station on 24.12.2024 for offences under Sections 198, 420, 465, 468 and 471 of the IPC. It is challenging the same that the petitioner is before this Court seeking for the aforesaid reliefs.
4. The submission of Sri.K.N.Narayanaswamy., learned counsel for the petitioner is that;
 - 4.1. Learned counsel for the petitioner submits that the petitioner's date of birth was altered from 15.04.1988 to 15.04.1987 pursuant to a decree passed by a competent civil Court in O.S. No.255 of 2017, whereby rectification of the

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date of birth was directed. In view of the said decree, which continues to remain in force, it is contended that initiation of criminal proceedings against the petitioner in respect of the said alteration is unwarranted.

4.2. Learned counsel further submits that disciplinary proceedings initiated against the petitioner were challenged before the Karnataka State Administrative Tribunal, Bengaluru, in Application No.2324 of 2025. The Tribunal, by order dated 23.07.2025, allowed the application, holding that the decree passed by a competent civil Court could not be disregarded by treating it as void and that, unless the decree was set aside by a competent forum, the disciplinary proceedings could not proceed on that basis.

4.3. It is therefore contended that the same principle would apply to the present proceedings, inasmuch as the decree passed in O.S. No.255 of 2017 continues to remain valid and operative. Learned counsel submits that, so long as the decree subsists, the petitioner cannot be subjected to criminal proceedings

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founded upon the very alteration of the date of birth that was directed by the competent civil Court.

5. Sri.Phaniraj Kashyap., learned counsel for the respondent No.3 would submit that;

5.1. He relies upon the decision of the Hon'ble Apex Court in ***K.G. Premshanker v. Inspector of Police*** reported in ***(2002) 8 SCC 87***, more particularly para 32 thereof, which is reproduced hereunder for reference;

32. In the present case, the decision rendered by the Constitution Bench in M.S. Sheriff case [AIR 1954 SC 397 : 1954 Cri LJ 1019] would be binding, wherein it has been specifically held that no hard-and-fast rule can be laid down and that possibility of conflicting decision in civil and criminal courts is not a relevant consideration. The law envisages

"such an eventuality when it expressly refrains from making the decision of one court binding on the other, or even relevant, except for limited purpose such as sentence or damages".

5.2. By relying on ***K.G.Premshanker's case***, his submission is that both civil and criminal proceedings could go hand in hand, when there are allegations made as regards criminal offences.

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- 5.3. His submission is that in the present case the very basis of the decree was on the changes on the fabrication made to the register, which is what is sought to be investigated, and this investigation can go in parallel and it cannot be said that without investigation the decree being valid the respondents are bound by it and no criminal investigation could be resorted to.
6. Heard Sri.K.N.Narayanaswamy., learned counsel for the petitioner, Smt.Rashmi Patel., learned HCGP for respondent No.1 and Sri.Phaniraj Kashyap., learned counsel for respondent No.3, perused papers.
7. The short question that would arise for consideration in the present matter is;

"Whether the decree directing the change of Date of birth could come in the way of investigation being carried out as regards the allegations made of forgery and cheating".

8. The material facts giving rise to the dispute are not in controversy. The principal contention advanced by learned counsel for the petitioner is that the petitioner's date of birth was altered pursuant to a decree passed by a competent Civil Court. By the

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said decree, the defendants therein were directed to correct the date of birth of the plaintiff, namely, the petitioner herein, in the school records and marks cards from 15.04.1987 to 15.04.1988.

9. A perusal of the plaint indicates that the claim for correction of the date of birth was founded upon the mother card issued in relation to the petitioner's mother and the petitioner, concerning their vaccination. It was on the basis of the said document that the Civil Court is stated to have granted the decree directing correction of the date of birth.
10. The allegation against the petitioner, however, is that the entries in the relevant register and vaccination card were fabricated. The alleged fabrication is stated to have occurred prior to the institution of the civil proceedings and the passing of the decree. Thus, the very documents on the basis of which the decree came to be passed are alleged to be fabricated. In such circumstances, the decree, by itself, cannot operate as an absolute bar to an investigation into the alleged fabrication of the underlying documents. The respondents, if so advised, may challenge the decree before the appropriate forum in accordance with law,

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notwithstanding that they were not parties to the proceedings in which it was passed. However, the question whether the decree is liable to be set aside is distinct from the question whether the allegations of forgery and cheating warrant investigation.

11. The existence of a decree directing correction of the date of birth does not, by itself, foreclose an investigation into allegations that the documents relied upon to obtain that decree were fabricated. The allegations assume significance in the present case because the alteration of the date of birth is stated to have enabled the petitioner to claim eligibility in the selection process for recruitment to the post of Police Sub-Inspector. Whether the documents were in fact fabricated, whether the petitioner was involved in any such fabrication, and whether the ingredients of the alleged offences are made out are matters to be ascertained in the course of investigation. These questions cannot be conclusively determined merely by relying upon the subsisting civil decree.
12. In that view of the matter, this Court is of the considered opinion that, ex facie, it cannot be held that the allegations disclose no offence warranting

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investigation or that the investigation is liable to be interdicted solely on the ground that a decree directing correction of the date of birth has been passed by a competent Civil Court. The existence of the said decree does not, in the circumstances of the present case, constitute a ground to quash or interdict the investigation. The investigation shall proceed in accordance with law, and no opinion expressed herein shall be construed as a finding on the truth of the allegations or the guilt of the petitioner.

13. As such, this Court passes the following;

ORDER

- i. Criminal petition stands ***dismissed***.
- ii. Respondents are directed to carry out necessary investigation at the earliest and file the investigation report at the earliest.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 2