IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 31893 OF 2026

BETWEEN:

DEEPAK SINGH R

...PETITIONER

(BY SRI VIVEK SUBBA REDDY, SR.ADV. FOR
SRI K G AIYAPPA, ADVOCATES)

AND:

STATE OF KARNATAKA AND OTHERS

...RESPONDENTS

(SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL
ALONGWITH SRI B N JAGADEESHA, SPP FOR R1
SRI SHATHABISH SHIVANNA, ADV. FOR R2)

IA NO.1/2026 IS FILED UNDER SECTION 528 OF BNSS FOR VACATING STAY BY THE RESPONDENT STATE HON'BLE COURT MAY PLEASED TO A.VACATE THE INTERIM ORDER DATED 09.10.2026, IN THE ABOVE CRIMINAL PETITION, IN CONNECTION WITH CR.NO.309/2026 OF THE YESHWANTHAPURA POLICE STATION, BENGALURU.

THIS IA HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.10.2026, THIS DAY THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER ON I.A. NO.1/2026 FOR VACATING STAY

The petitioner is the accused in FIR No.309/2026 registered on 05.10.2026 before the Yeshwanthpura Police Sub-Division. Respondent No.2 is the *defacto* complainant and respondent No.3 is the Election Commission of India.

2. When the case was reserved for orders, some interim protections were provided based on the submission made on behalf of the State and at the same time, investigation was also permitted.

3. The petition is filed to quash the complaint dated 05-10-2026 filed by respondent No.2/defacto complainant and the aforesaid FIR registered for the offences punishable under Sections 319(2), 336(2), 340(2), 61(2) and 217(b) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

4. The contents of the complaint would reveal that the second respondent claims to be a member of a national-level political party and respondent No.2 is a voter from Malleswaram Assembly Constituency. The allegation is in respect of large batches of Form No.7 filed by the petitioner/ accused to delete the names of voters whose names are recorded in the electoral roll of the aforementioned

constituency on the allegation that the voters are very much residents of the aforementioned constituency and their names are sought to be deleted on the ground that they are either absent or have permanently shifted.

5. The complainant alleges that 136 applications forms in Form No.7 have been field by the petitioner and it is further alleged that the aforementioned Forms are filed selecting a particular community, with an intention of deleting the names of voters from a particular community. It is also alleged the signatures appearing on several forms said to have been filed by the petitioner/accused is materially different from one another and, on this ground it is alleged that the said Forms are forged.

6. The complainant states that there has to be an investigation as to who has filed the aforementioned Form No.7 in the name of the petitioner and the further allegation is Form No.7 have been filed by impersonating and creating false records and by furnishing false information relating to the voters whose names are sought to be deleted.

7. It is also alleged that bulk filing of Form No.7 apparently aimed at targeting particular community and polling

stations with an attempt to manipulate the electoral roll for parties advantage and to disenfranchise lawful voters.

8. The complainant also alleges that Form No.7 contains a solemn declaration and false information furnished in the said Form No.7 is also an offence and it is alleged that the acts and omissions on the part of the petitioner attract the ingredients of criminal conspiracy, furnishing false information with intent to cause a public servant to exercise lawful power to the injury of another, cheating by personation, making false documents, forgery and use of the forged documents as genuine. With these allegations, the complainant contends that the matter has to be investigation and appropriate action must be taken against the petitioner.

9. The complainant alleges that the acts and omissions attract Sections 319(2), 336 (2), 340(2), 61(2)(b), 217(b) of the BNS.

10. Based on the complaint, an FIR is registered in Crime No.309/2026.

11. Learned Advocate General and learned State Public Prosecutor appearing for respondent No.1 submits that the allegations in the complaint disclose the commission of

cognizable offences and that the contents of the complaint attract the ingredients of the offences referred to therein. That being the position, the investigation cannot be stalled.

12. It is the further submission that the right to vote is an extremely valuable right in a democracy, and under the guise of Special Intensive Revision, fake and forged Form No.7 containing incorrect information cannot be filed. It is also submitted that the signatures appearing on the Form No.7 applications are *prima facie* different, though all the applications are said to have been filed by the same person and a case is made out for carrying out an investigation.

13. Learned Advocate General and learned State Public Prosecutor, in support of the contentions, placed reliance on the following judgments:

a. ***Anoop Baranwal vs. Union of India***[1]
b. ***Bhim Rao Baswanth Rao Patil vs. K. Madan Mohan Rao & Ors***[2]***.***
c. ***State of Punjab vs. Raj Singh and Another***[3]
d. ***Devendra Kumar vs. The State (NCT of Delhi) & Anr.***[4]
e. ***The King Emperor vs. Khwaja Nazir Ahmad***[5]

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[1] ***2023 SCC Online SC 216***
[2] ***(2023) 18 SCC 231***
[3] ***(1998) 2 SCC 391***
[4] ***(2025) INSC 1009***

f. M/s. Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra And Others[6]

g. State vs. M. Maridoss and Another[7]

h. M. Narayandas vs. State of Karnataka and others[8]

14. The learned counsel appearing for respondent No.2/ *defacto* complainant supported the submissions of learned SPP and urged that, the allegation relating to forgery cannot be investigated by the Registration Officer under the Registration of Electoral Rules, 1960 ('Rules, 1960').

15. The learned Senior Counsel appearing for the petitioner submits that the Booth Level Agent has filed Forms on behalf of the political party with which the agent is affiliated, and such an exercise is permissible under the applicable law.

16. It is also urged that in case there is any discrepancy, error or false information in Form No.7, the Registration Officer under the Rules, 1960 will verify the same, follow the procedure, and pass appropriate orders.

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[5] AIR 1945 PC 18
[6] (2021) 19 SCC 401
[7] (2023) 4 SCC 338
[8] (2003) 11 SCC 251

17. It is the further submission that none of the persons whose names are included in Form No.7 has filed a complaint against the petitioner. No decision is taken (*as on the date of hearing on the application*) on the correctness of Form No.7. The Statutory right exercised by the Booth Level Agent cannot be construed as a criminal act. The complaint has been lodged only to ensure that Form No.7/objections are not filed in relation of erroneous entries in the voter's list and to dissuade Booth Level Agents of political party from filing such Forms for correcting the errors.

18. Learned Advocate General and learned State Public Prosecutor, by way of reply, submits that certain digital records relating to the presence of the persons who filed the Forms have to be examined and that the investigation should be taken to its logical conclusion.

19. Learned Advocate General and learned State Public Prosecutor would also submit that the complaint is not premature and that, in view of the allegation of forgery and the apparent variations and mismatch in the alleged signatures of the Booth Level Agent on Form No.7, an investigation into the allegation is necessary.

20. The Court has considered the contentions raised and perused the records.

21. The Court has also gone through the judgments cited.

22. The Apex Court in ***Anoop Baranwal*** *supra* and ***Bhim Rao Basanth Rao Patil*** *supra* has held that the voting right is not mere a statutory right but a constitutional right.

23. In ***State of Punjab*** *supra* the Apex Court has held that bar on taking cognizance does not prevent the police from investigating the cognizable offence.

24. Learned Advocate General also relied on ***The King Emperor*** *supra* and the Judgment of the Apex Court in ***Neeharika Infrastructure*** *supra* to urge that investigation cannot be stalled if the ingredients of the complaint attract the offences.

25. Reliance is also placed on the judgment of the Apex Court in ***M.Maridoss*** *supra* to urge that the reasonable time should be given to the investigating agency to conduct the investigation.

26. The Court has kept in mind the principles laid down in the aforesaid judgments.

27. As already noticed, the gist of the allegation is that the signatures of the applicant appearing on the Forms submitted do not tally with one another and that the information contained in the said Forms is incorrect and is aimed at deleting the names of eligible voters belonging to a particular religious community who, according to the complaint, are loyal voters of a political party.

28. The validity of the Special Intensive Revision exercise in Bihar has been upheld by the Apex Court in - ***Association for Democratic Reforms vs. Election Commission of India***[9]. The exercise undertaken in Karnataka is more or less similar.

29. There is no dispute that the Special Intensive Revision exercise is governed by the Statute, Rules and such legally permissible directions and guidelines as may be issued by the Election Commission of India.

30. The Representation of the People Act, 1950, the Representation of the People Act, 1951, and the Registration of

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[9] (2024) SCC OnLine 661

Electors Rules, 1960, (Rules, 1960) broadly constitute the Statutory scheme.

31. Rules 5 to 23 of the Rules, 1960, provide for the procedure for revising the electoral rolls, and the said exercise may include the addition or deletion of the names of eligible and ineligible voters in the electoral roll.

32. The *claim* for inclusion of a name in the electoral roll is required to be signed by the person seeking such inclusion. Others cannot file such application in ***Form No.6*** prescribed. However, an *objection* to the inclusion of a name in the electoral roll may be filed by *any person whose name is already included in the roll in* ***Form No7.***

33. Form No.8 deals with an objection to a particular or particulars in an entry in the electoral roll. In this case the Court is not concerned with either form No.6 or 8. The allegations are concerning Form No.7. As already noticed objection in Form No.7 can be filed by anyone whose name is found in the said electoral roll.

34. Rule 15 of the Rules, 1960 provides that the designated officer shall maintain a list of claims in Form No.9, a list of objections in Form No.10 and a list of objections to

particulars in Form No.11. A copy of each such list is required to be displayed on the notice board and, along with the designated officer's remarks, forwarded to the Registration Officer.

35. Rule 16 of Rules, 1960 provides that the Registration Officer shall maintain, in duplicate, the three lists in Form Nos. 9, 10 and 11 in respect of claims and objections forwarded to him by the designated officer or submitted to the Registration Officer directly, and shall display one copy of each such list on the notice board in his office.

36. Rule 17 of the Rules, 1960 provides for the rejection of certain claims and objections not in order. *The power to reject a claim or objection under the said rule is confined to cases where the claim or objection has not been filed within the prescribed period or has not been filed in the prescribed form and manner*. *Such rejection is on technicality and does not involve an adjudication on the merits of the claim or objection*.

37. Rule 18 of the Rules, 1960 provides for the acceptance of claims or objections without inquiry. Under the said Rule, if the *Registration Officer is satisfied as to the*

validity of a claim or objection, *he may, without holding any further inquiry and after the expiry of one week from the date on which* the list is exhibited under Rule 16, accept such claim or objection.

38. The said Rule further provides that, where before a claim or objection is allowed and any person makes a written demand for an inquiry, such claim or objection shall not be allowed without holding a further inquiry.

39. Rule 19 of the Rules, 1960 provides for the adjudication of claims and objections that are not disposed of either under Rule 17 or Rule 18.

40. Thus, on a conjoint reading of Rules 18 and 19, it is evident that, though the Registration Officer is empowered to allow a claim or objection without further inquiry if he is satisfied as to its validity, if there is a written demand for an inquiry by any person in respect of such claim or objection, before the claim or objection is allowed, an inquiry has to be held as contemplated under Rule 20.

41. Sub-rule (2) of Rule 19 of Rules, 1960 provides that notice relating to an inquiry into a claim or objection may be served either personally, by registered post or by affixing it

to the residence or last-known residence of the person concerned within the constituency.

42. Rule 20 of the Rules, 1960 provides for a summary inquiry into claims and objections. At the time of the hearing, the claimant, the objector and the person against whom the objection is made, or any person likely, in the opinion of the Registration Officer, to assist the officer, is entitled to appear and be heard.

43. Rule 21 of the Rules, 1960 prescribes the procedure for the inclusion of names inadvertently omitted, and Rule 21A provides for the deletion of names wrongly entered in the electoral roll.

44. Rule 22 of Rules, 1960 provides for the final publication of the electoral roll, and Rule 23 provides for an appeal against orders deciding claims and objections.

45. From the aforementioned provisions, it is evident that a comprehensive statutory scheme has been provided for the inclusion and deletion of names in the electoral roll. The scheme contemplates scrutiny of claims and objections, an opportunity of hearing to the persons concerned, a decision by the Registration Officer and a statutory appellate remedy in the

event of any error in an order either including or deleting a name from the electoral roll.

46. Section 31 of the Representation of the People Act, 1950, reads as under:

> *31. Making false declarations.—If any person makes in connection with—*
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> *(a) the preparation, revision or correction of an electoral roll,*
>
> *Or (b)the inclusion or exclusion of any entry in or from an electoral roll,*
>
> *a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.*

47. The prescribed Forms under Rules, 1960 require the applicant to furnish a declaration. Section 31 of the Representation of the People Act, 1950, provides for penal consequences in the event of a false statement or declaration in Form No.7.

48. Thus, the statutory scheme under the Rules, 1960 provides for scrutiny and inquiry into the correctness of the

information furnished under Form No.7 and penal consequences in case of false information.

49. Keeping in mind aforementioned statutory safeguards, the Court has to consider whether the case is made out to stay the investigation into the allegations made.

50. The offences under BNS alleged are Sections 319 (Cheating by impersonation), 336 (Forgery), 340 (Using a forged document as genuine), 61(Criminal Conspiracy) and 217 (False information with intent to cause public servant to use his lawful power to injury of another person).

51. As noticed *supra*, the principal allegation in the complaint is that the signatures appearing on Form No.7 submitted by the applicant do not tally with one another and that incorrect information has also been furnished in the said Forms.

52. Admittedly, the signatures alleged to have been forged are neither those of the complainant nor those of the voters whose names are sought to be deleted by filing Form No. 7.

53. The petitioner has not disowned his signatures. At this stage *prima facie*, it appears that a case of forgery is not made as the petitioner has not disputed filing Form No.7 under her signature.

54. As already noticed, under the Rules 1960, there will be an inquiry into Form No. 7 applications. Even if no forensic examination is conducted under the Rules, 1960, the Registration Officer, before considering Form No.7 or any objection to it, will have to ascertain whether the person who filed Form No.7 has signed all the Forms. If the person admits having signed and filed all the Forms, in the event of any discrepancy in the signatures, the Registration Officer may have to seek an explanation on the signatures and, if not satisfied with the explanation, may reject the application. In that event, the logical corollary would be that Form No.7 was not filed by the applicant.

55. If the Registration Officer finds that the Forms were signed by the person submitted and named in it, the officer will hold an inquiry on the merits of Form No.7, hear the person whose name is sought to be deleted, and pass orders either accepting or rejecting the Form No.7.

56. In the process, if the Registration Officer finds that the information in the Forms are false and that the declaration attracts the offence under Section 31 of the Representation of the People Act, 1950, the officer is entitled to take such action as is advised in law.

57. As already noticed, the contents of the complaint, do not refer to allegation of any forgery of the signature of any of the voter or even the complainant for that matter. The petitioner has not disowned the signature on Form No.7.

58. That being the position, in the facts of the present case, the allegation of forgery cannot be accepted at this stage. Though the Rules, 1960 expressly do not eclipse the application of BNS or Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), considering the nature of allegations in the complaint which are already noted above, at this juncture, there is no justification for directing or permitting an investigation into the offences under Sections 336 and 340 of the BNS.

59. The FIR is also registered for the offence under Section 319 of the BNS. The said provision deals with cheating by personating. The contents of the complaint do not reveal whom the petitioner has impersonated. If the complainant

intends to contend that someone else filed Form No.7 by impersonating the petitioner and forging the petitioner's signature, then there cannot be complaint against the accused. If someone else has impersonated the petitioner, the complaint has to be against that someone else.

60. If the petitioner during the inquiry before the Registration Officer has disowned the signatures on Form No.7 and denied having filed the Forms, may be then there would be a reason to investigate as to who filed such Forms. In the facts of the case, the Court is of the view inquiry under the Rules, 1960, has to run its course to ascertain whether the petitioner has signed the Form No.7 or not.

61. Another provision under which the FIR is registered is Section 217 of the BNS. Section 215(1)(a)(i) of the BNSS, provides that a Court shall not take cognizance of an offence punishable under Sections 206 to 223 of the BNS, except on a complaint in writing by the public servant concerned or by a public servant to whom he is administratively sub-ordinate, or by another public servant authorized in this behalf.

62. The complaint in the present case is not by the public servant. The public servant before whom Forms were

filed had not yet taken a decision (when the case was heard) on the information furnished in those applications when the FIR was registered.

63. The Apex Court in ***Devendra Kumar*** *supra* has held that the lodging of the complaint is not barred but the Court cannot take cognizance without a complaint as required under Section 195 of Cr. P.C.

64. Though the complaint and FIR seems to be permissible, as already noticed, the decision on the Forms by the Registration officer will have a bearing on the matter.

65. The finding of the Registration Officer may furnish materials to take a call whether the case is made out to quash the FIR or to direct the investigation in to all or any of the offences.

66. Hence, the following:

ORDER

(i) The order on I.A.No.1/2026 for vacating stay is deferred and further investigation is stayed till further orders.

(ii) Respondent No.3-Election Commission is directed to place the materials relating to the decisions taken on the Form No.7 filed by the petitioner.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS, BRN