

**IN THE COURT OF PRL.CIVIL JUDGE AND PRL.JMFC,
DHARWAD**

-: PRESENT :-

**Sri.AVINASH GHALI.,
B.A. LL.B.,
Prl. Civil Judge & Prl.J.M.F.C., Dharwad**

Dated this the 07th day of November -2025

CC No.250/2010

Complainant:		Rajendra S/o Mohanrao Dharwadkar
		(By S.S.F)
		V/s.
Accused:	1.	Dr. A.M. Pathan and other
		(A-1 & 2 By Sri.A.Joshi Adv.) (A-5, 12, 14 By Sri. P.D.N., Adv.) (A-2, 3, 4, 8, 9 & 11 Abated) (A-6, 13, 16 By Sri. A.C.C., Adv.)

1.	Provision under which the application is filed	Application U/Sec.239 of Cr.P.C
2.	Relief sought for	Prayer to discharge accused No.6 in the present case, for offence punishable U/Sec.420, 465, 466, 467, 468, 471 R/w 120(b)/ 109 of IPC

3.	The date on which the application is filed	06.02.2025
4.	Number of the application	1
5.	The date on which the objection filed by different opponents	10.07.2025
6.	The date on which the orders were passed on the said application	07.11.2025

ORDER ON APPLICATION

The accused no.6 has filed the present application U/Sec.239 of Cr.P.C with prayer to discharge him in the present case, for offence punishable U/Sec.420, 465, 466, 467, 468, 471 R/w 120(b)/109 of IPC.

2. Learned counsel for complainant has filed the objection to the present application.

3. Heard the learned counsel for accused no.6 and also heard the learned counsel for complainant and perused the materials on record.

4. The following point that would arise for consideration by this Court:

- 1) Whether accused no.6 has made out a grounds to discharge him for the offence U/Sec.420, 465, 466, 467, 468, 471 R/w 120(b)/109 of IPC
- 2) What order?

5. My findings on above points are as under :

Point No.1 : In the Negative

Point No.2 : As per final order
for the following....,

REASONS

6. Point No.1: It is relevant to note that the private complaint is filed by the one Rajendra S/o Mohanrao Dharwadkar against accused no.1 to 16.

7. Sworn statement of complainant is recorded and got marked documents. After hearing, this court has issued the summons to accused No.1 to 16 vide detailed order dated: 01.01.2005.

8. The accused no.6 has pleaded the grounds for discharge him that the complaint is false and vexatious and the false case has been filed to grab the property of the Karnataka University, Dharwad. No ingredients for the offence under Section 420, 465, 466, 467, 468, 471

R/w 120(b)/109 of IPC are made out. Even from the entire records ingredients are not made out and no prima-facie case to proceed against accused no.6.

9. It is significant to note that as per the complainant it is alleged that the accused persons have conspired to defeat the right of the plaintiff over the suit property bearing CTS No.82/1A 1A/1 measuring 1 acres 25 gunts 2. 8/9 Sq. yds., which is subject matter in OS No.490/1996 pending on the file of Prl. Civil Judge, Dharwad and also it is allegation against the accused persons that accused persons have forged the original documents and produced the forged certified copies claiming to be as genuine in OS No.490/1996. Thus it is claimed by complainant that accused persons have committed the offence under Section 420, 465, 466, 467, 468, 471 R/w 120(b)/109 of IPC.

10. It is significant to note that on going through application filed by accused no.6, it is evident that he has not specifically stated the grounds which could make out to discharge him, but, accused no.6 has pleaded only general grounds by stating that no prima-facie case and false case has been filed against this accused no.6. However, it is also relevant to note that the criminal

petition No.7945/2011 has been filed by the present accused no.6 and also other accused persons have filed Criminal petition No.12079/2010, Criminal petition No.12107/2010 for quashing the summons issued by this court and the Hon'ble High Court of Karnataka vide judgment dated 02.06.2017, dismissed the criminal petitions filed by the other accused persons along with the criminal petition filed by this accused No.6 which is registered as Criminal petition No.7945/2010. The Hon'ble High Court of Karnataka has elaborately dealt with the facts of the present case. Hence considering the already the Hon'ble High Court of Karnataka has held that the case cannot be quashed. Further, the Hon'ble High Court has held that the order of issuing process by trial court is on valid reasons. Thus even in the present application also, accused no.6 has not made out any grounds to discharge him for the alleged offence under Section 420, 465, 466, 467, 468, 471 R/w 120(b)/109 of IPC. Hence in light of aforesaid discussion, this court answered **point No.1 in the Negative.**

11. Point No. 2: For the foregoing reasons and findings on Point No.1, this Court proceeds to pass the following:

ORDER

Application filed by the accused no.6
U/Sec.239 Cr.P.C is hereby rejected.

The matter is of 2010, hence all the
accused persons are hereby instructed to
present for framing the charge.

For hearing before charge, call on
15.11.2025.

(Dictated to the Adalat AI and Stenographer, same is transcribed by her, then
corrected, signed by me and pronounced in the open Court dated this **07th Day of
November 2025.**)

(Avinash M. Ghali)
Prl., Civil Judge & JMFC.,
Dharwad.