



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 102267 OF 2021

(482(CR.PC)/528(BNSS))-)

BETWEEN:

SMT. SUBBI S. SIDDAN W/O PRADEEP,
AGE. 65 YEARS, PENSIONER,
NOW R/O. SUPRABH NILAYA, VIDYANAGAR,
SUBRAMANY,
TAL. SULTA, TAL. BHATAKAL,
DAKSHINA KANNADA DISTRICT.

...PETITIONER

(BY SRI. R.G. HEGDE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
HONNAVAR POLICE STATION
UTTARA KANNADA DISTRICT,
BY SPP HIGH COURT OF KARNATAKA
DHARWAD BENCH DHARWAD.
2. DIRECTORATE OF CIVIL RIGHTS,
ENFORCEMENT'S MANGALURU
BY ITS SUPERINTENDENT MAHAMMED K.
MUDA BUILDING URVA STORES,
MANGALURU-575006.

...RESPONDENTS

(BY SMT. KIRITILATA R. PATIL, HCGP FOR R1;
SRI. C. JAGADISH, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO CALL FOR THE RECORDS QUASH THE COMPLAINT DATED 11.08.2018 AND FIR DATED 11.08.2018 AND THE CHARGE SHEET FILED FOR THE OFFENCE P/U/SEC. 198 AND 420





OF IPC AND U/SEC. 3(1)(q) OF SC AND ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015 CRIME NO. 326/2018 IN SPECIAL CASE NO. 71/2019 BEFORE THE PRL. DISTRICT AND SESSIONS COURT UTTARA KANNADA KARWAR AND ALLOW THIS PETITION, IN THE INTEREST OF JUSTICE.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri. R. G. Hegde, learned counsel for the petitioner, Smt. Kirtilata R. Patil, learned High Court Government Pleader for respondent No.1-State and Sri. C. Jagadish, learned counsel for respondent No.2.

2. Accused in Special Case No.71/2019 is the petitioner who has sought the following relief:

"Wherefore, the petitioner-accused, humbly prays, this Hon'ble Court be pleased to call for the Records quash the complaint dated 11-08-2018 and FIR dated 11-08-2018 and the charge sheet filed for the offence punishable under Section 198 and 420 of IPC and under Section 3(1)(q) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No.326/2018 in Special Case No.71/2019 before the Prl. District and Sessions



Court Uttara Kannada Karwar and allow this petition in the interest of justice."

3. Facts in nutshell which are utmost necessary for disposal of the present petition are as under:

4. A complaint came to be lodged by Sri. Mahamadh K., being the Police Sub-Inspector, Civil Rights Cell, Mangaluru, for the offences punishable under Sections 198, 420 of Indian Penal Code, 1860 and Section 3(1)(q) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015¹.

5. Said complaint came to be registered in Crime No.326/2018 on 11.08.2018 by Honnavara Police, Uttara Kannada District. The matter was thoroughly investigated and a charge sheet came to be filed against the petitioner herein.

6. Gist of the charge sheet material as per Column No.17 would reveal that the petitioner belonging to other backward Class-2A, as she is a Baandhi "ಬಾಂಧಿ" caste

¹ For short, 'SC and ST Act'



person, claimed herself as a person belonging to Moger community by concocting false documents and thereby obtained false caste certificate from the Tahasildar, Honnavara on 06.07.1978 and based on the said certificate, she obtained an employment in Social Welfare Department.

7. Learned Special Judge on receipt of the charge sheet, took cognizance of the offences punishable against the petitioner herein and proceeded with the case by issuing summons.

8. Petitioner has challenged action of taking cognizance and proceeding with the criminal case on the following grounds:

- *"That the complaint filed by the police is on imaginary grounds as the appeal against the order of the District Caste Verification Committee is pending before the Commissioner Social Welfare Department and the matter has not attained the finality.*
- *There is no basis for filing of the complaint and the same amounts to abuse of process of law by the respondent.*
- *That the criminal proceeding initiated on the basis of the order passed by the District Caste Verification Committee which is based on a circular which is withdrawn by the state Hence, the criminal proceeding initiated*



government against the petitioner is not maintainable.

- *That the appellate authority has set aside the similar order passed by the District Caste Verification Committee.*
- *This Hon'ble Court has quashed the criminal proceedings initiated in an identical situation."*

9. Learned counsel for the petitioner reiterating the grounds urged in the petition contended that with regard to the caste certificate, there were proceedings that were initiated and at present the matter is pending before this Court in a Writ Petition.

10. Therefore, continuation of criminal prosecution simultaneously for the aforesaid offences is nothing but a futile exercise resulting in abuse of process of law and thus, sought for quashing the pending proceedings.

11. *Per contra*, learned High Court Government Pleader for respondent No.1-State and Sri.C.Jagadish, learned counsel for respondent No.2-Civil Rights Cell supported the issuance of process as admittedly, the caste certificate obtained by the petitioner is a false *inasmuch as*



the petitioner belonged to Baandhi caste, but obtained the certificate as a person belonging to Moger Caste and had the benefit of an employment in Social Welfare Department.

12. Having heard the arguments of both sides, this Court perused the material on record meticulously.

13. On such perusal of the material on record, offence under Section 3(1)(q) of the SC and ST Act, cannot be invoked as against the petitioner as issuance of the caste certificate is much earlier to the SC and ST Act came into force.

14. Therefore, the offence that is invoked against the petitioner under Section 3(1)(q) of the SC and ST Act, needs to be quashed.

15. However with regard to allegations of obtaining the caste certificate by concocting the documents is a question that needs to be adjudicated by the learned Trial Magistrate after full-fledged trial.

16. Pendency of Writ Petition is not a ground for continuation of criminal case for remaining offences.



17. If ultimately, petitioner succeeds before this Court in the Writ Petition to the effect that he did not obtain a false caste certificate, automatically the criminal prosecution would be terminated.

18. Reserving the liberty for the petitioner to urge all available defenses including the question of which caste the petitioner belongs to, this Court is of the considered opinion that the petition needs to be partly allowed.

19. Accordingly, the following:

ORDER

(i) The petition is ***allowed in part.***

(i) Offence alleged against the petitioner under Section 3(1)(q) of SC and ST Act, is hereby ***quashed.***

(ii) The trial shall be conducted before the jurisdictional Magistrate, for the remaining offences in accordance with law.



20. It is made clear that, this Court has not expressed any opinion on merits of the matter for the remaining offences and all the available defenses are kept open to be urged in the trial before the Trial Magistrate in accordance with law.

Sd/-
(V.SRISHANANDA)
JUDGE

SMM/CT-CMU
LIST NO.: 1 SL NO.: 20