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C.C. No.8355/2021

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KABC030227242021

IN THE COURT OF THE XLVIII ADDITIONAL CHIEF JUDICIAL MAGISTRATE BENGALURU

DATED: THIS THE 27TH DAY OF SEPTEMBER 2025

PRESENT: SMT. JYOTI SHANTAPPA KALE
LLM

CRIMINAL CASE NO. 8355/2021

COMPLAINANT :-	State by Halsur Gate Police Station (Represented By. Sr. APP)
ACCUSED NO.1 :-	Latha Rajanikanth W/o Rajanikanth, Aged about 57 years, R/at No.18, Raghaveera Avenue, Porse Garden, Chennai, Tamil Nadu – 600 086. (Represented By. Sri. R.S Advocate)

ORDER ON APPLICATION FILED BY THE ACCUSED NO.1 U/SEC 239 OF CR.P.C.

This is an application filed by the accused No.1 U/Sec. 239 of Cr.P.C. to discharge her from the alleged offences by allowing the application.

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2. In the application it is stated that, the accused No.1 is a philanthropist, film producer, playback singer and the wife of cine start Rajinikanth. She is the founder and head of "The ashram a philanthropic school for young children based in Velacheri Chennai".

b) It is further stated that, the complainant purportedly in order to settle financial dispute with one M/s Media One Global Entertainment Ltd., and with the hope that same can be achieved by the arm twisting and pressurize the accused No.1 with a devious intention sought to publishes that the accused No.1 had commercial nexus with M/s Media One Global Entertainment Ltd., with respect to the Tamil Cinematographic Film Kochadaiiyan and alleged that she had created a guarantee on behalf of M/s Media One Global Entertainment Ltd., in favour of the complainant and had failed to honour it. It is further stated that, in order to capitalize on what could be sensational news various media outlets including print and electronic media started constantly trying to get in touch with accused No.1 and her family members, her manager etc., to seek her comments on the said allegations. The accused No.1 was threatened that if she did not respond to the allegations, the media would publish its own version of events. The accused No.1 feared that as the result of the sly action of the complainant families nature would be defame and denigrated in the eyes of the public. The accused No.1 being completely distraught and left with no other choice decided to approach the civil court against the news agencies to prevent further damage to her reputation. It is further stated that, when the presentation process of the suit at City Court, Bengaluru was under progress, it appeared to the accused No.1 that a person by name Mr. Narayana i.e., accused No.2 claiming to be from Press club of Bengaluru approached the advocate of accused No.1 and staff in the City Civil Court premises at Bengaluru and enquired of possibility of the settlement with the complainant. It is learnt by the accused No.1 that, Mr. Narayana also served letter dated 28.11.2014 signed by the

Secretary of an entity called Publisher and Broadcasters Welfare Association of India, Press Club, Bengaluru Estd 1996. In the said letter it was stated that, they were working as the News forwarding agencies to various media entities that they had received a complaint from the complainant against the accused No.1 of cheating in connection with the financial transaction of Kochadaiiyan cinema and they would like to have the details and explanations regarding the same for news purpose. It was also written in the letter that, if no explanation is received they would presume the allegations as correct and forward the news. As the said letter was a direct threat communication, pleadings touching the name was also incorporated in the suit by the accused No.1's advocate and the said documents was produced along with the plaint. It is further stated that, the O.S. No.9312/2014 was filed by the accused No.1 before the Hon'ble IX Addl. City Civil Sessions Judge, Bengaluru along with I.A. No.1 under Order 39 Rule 1 and 2 R/w 151 of CPC seeking temporary prohibitory injunction. The Hon'ble IX Addl. City Civil Sessions Judge, Bengaluru granted ex-parte add-interim injunction as per order dated 02.12.2014 thereby restraining the defendants therein from airing or publishing any comments or opinions regarding the false allegations made by the complainant that would derogate or defame the character of the accused No.1 or her family members.

c) It is further stated that, the Hon'ble IX Addl. City Civil Sessions Judge, Bengaluru while considering the I.A. No.1 vide order dated 13.02.2015 came to the conclusion that the suit filed by the accused No.1 lacks territorial jurisdiction and therefore returned the plaint filed by the accused No.1 to be presented before the proper Court. Aggrieved by Order dated 13.02.2015, the accused No.1 filed M.F.A. 2879/2015 before the Hon'ble High Court of Karnataka assailing the said Order passed by the IX Addl. City Civil & Sessions Judge. The Hon'ble High Court of Karnataka Court vide Order dated 24.02.2015 was pleased to stay the operation of Order dated 13.02.2015. M.F.A 2879/2015 ultimately came to be dismissed vide Order dated 24.02.2016. In the meantime, Private complaint P.C.R No. 7847/2015 came to be filed by the Complainant against the Accused No.1 before the VI Additional Chief Metropolitan Magistrate, Bengaluru. In terms of the Complaint, it was inter alia alleged that the Complainant released funds in favour of M/s. Mediaone Global Entertainment Ltd. and further alleged that a total of Rs. 6.2 crores was pending from M/s. Mediaone Global Entertainment Ltd. and that the said amount was guaranteed by the accused No.1 to the Complainant. It was further alleged that in connection with the aforesaid financial transaction, when the accused No.1 filed O.S. 9312/2014, the accused No.1 had created a fictitious body "The Publishers and Broadcasters Welfare Association of India" as one of the Defendants and also created and fabricated letter dated 28.11.2014 to create urgency and to obtain temporary injunction against the Complainant. It was therefore alleged that the accused No.1 had committed offence punishable under Sections 196, 199, 420 and 463 of the VI Additional Chief Metropolitan Magistrate, Bengaluru vide Order dated 06.06.2015 upon opining that the bar under Section 195 of the Code of Criminal Procedure, 1973 had no application at the time of investigation, referred the private complaint filed by Complainant for investigation to the Halasurugate Police Station for investigation. Halasurugate Halasurugate Police Station thereafter registered F.I.R. on 09.06.2015 in Crime No. 0217/2015 for offences under Sections 196, 199, 420 and 463 of the Indian Penal Code, 1860 arraying the Applicant as Accused No.1. The accused No.1 filed Criminal Petition No. 4291/2015 on 03.07.2015 before the Hon'ble High Court of Karnataka at Bengaluru under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of Complaint and all proceedings in connection with P.C.R. No.7847/2015. /2015. The Hon'ble High Court of Karnataka vide Order dated 10.03.2016 was pleased to allow Criminal Petition No. 4291/2015 upon coming to the conclusion that the dispute between the parties was purely civil in nature and that the complaint has been filed to harass the accused No.1. Accordingly, the Complaint in P.C.R. No. 7847/2015 on the file of VI A.C.M.M, Bengaluru and the Order referring the Complaint for investigation to Halsurugate Police Station came to be quashed.

d) It is further stated that, complainant thereafter preferred Criminal Appeal No. 854/2018 [arising from SLP (Criminal) No. 4587/2016] before the Hon'ble Supreme Court of India challenging Order dated 10.03.2016 passed by Hon'ble High Court of Karnataka in Criminal Petition No. 4291/2015. The Hon'ble Supreme Court of India vide Order dated 10.07.2018 allowed Criminal Appeal No. 854/2018 and set aside the Order dated 10.03.2016 passed by the Hon'ble High Court of Karnataka. Halasurugate Police thereafter filed Charge-sheet wherein the accused No.1 was arrayed as Accused No.1 and one

Sri. Narayan was arrayed as Accused No. 2 for the offences punishable under Sections 196, 199, 463 and 420 R/w 34 of the Indian Penal Code. It is submitted that the criminal liability is sought to be foisted by the Police on the accused No.1 on vague and bald allegations.

e) It is further stated that, Order dated 27.03.2021 came to be challenged by the Complainant and also the accused No.1 before the Hon'ble Supreme Court of India in SLP (Crl.) 9818/2022 and SLP (Crl.) 8327/2022 respectively. The Hon'ble Supreme Court of India, by way of Order dated 10.10.2023, restored the final report filed in the present matter and permitted the accused No.1 to file application for discharge while directing the said application to be decided on its own merits and in accordance with law. Copy of the Order dated 27.03.2021 passed by the Hon'ble Supreme Court of India in SLP (Crl.) 8327/2022 a/w. connected matter. The allegations made in the complaint are utterly false, invented and baseless and the Police have sought to foist the accused No.1 with

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criminal liability by filing a baseless chargesheet on concocted material facts as well as succumbing to the pressure of the administrative superiors. It is submitted that the Police have laid the final report on imaginary penal provisions which would not be attracted and the prosecution has utterly failed to make out prima facie case for trial against the present applicant. It is further stated that charges against the Accused No.1 is without any merit and accused No.1 has sought her discharge from alleged offences on following grounds:

i) Accused No. 1 is an innocent and a law-abiding citizen. She has not committed any offences alleged in the complaint/chargesheet. It is stated that the accused No.1 has been falsely implicated by the prosecution. Criminal liability is sought to be foisted on the accused No.1 on the preposterous sole ground that the accused No.1 was the ultimate beneficiary of the interim order that was obtained on the basis of the alleged forged letter. It is stated that the said allegation does not meet the requirements of the ingredients to constitute offence under Sections 196, 199, 420 and 463 of the Indian Penal Code, 1860. The accused No.1 is subjected to criminal liability merely on conjectures and surmises without prejudice, the mere fact that the accused No.1 could have been the beneficiary of the letter cannot be the ground to impose criminal liability on the accused No.1. Neither the Complaint nor the chargesheet attribute any role by the accused No.1 in the preparation of the allegedly forged or concocted letter.

ii) Without prejudice, it is stated that the dispute, if at all, between the parties is purely civil in nature. The findings in the charge sheet and the allegations made in the Complaint against the accused No.1, even taken in its entirety, fail to disclose criminal intention on the part of the accused No.1 and therefore lacks criminality. The Complaint betrays the clear malafide intention to harass the accused No.1 and to pressurize and arm twist her in the present ancillary proceedings to settle the financial dispute that supposedly existed between the Complainant and M/s. Mediaone Global Entertainment Ltd. The Complainant is attempting to prejudicially use the stardom status of the accused No.1's husband to its own dubious designs. In light of Sections 195 read with 340 of the Code of Criminal Procedure Code, 1973, there is an absolute bar against taking cognizance of the case in the given circumstances. As such, the proceedings are not maintainable.

iii) In the absence of a written complaint by the Court before whom the document is said to have been forged, the embargo under Section 195 read with 340 of the Code of Criminal Procedure Code, 1973 is squarely attracted and the present proceedings is therefore a nullity in the eyes of law. This Court while referring the private complaint filed by Complainant to the Halasurugate Police Station for investigation, was cognizant of the bar under Section 195 read with Section 340 of the Code of Criminal Procedure, 1973 to take cognizance of the offences alleged in the present case. In gross abuse of the process of the Court, the Complainant has sought to initiate criminal prosecution against the accused No.1 on frivolous, vexatious or insufficient grounds inspired by a revengeful desire to harass or spite her. The statement of the witnesses produced along with the chargesheet fail to connect the accused No.1 to the *mens rea nor actus reus* on the part of the accused No.1 is established.

iv) The report of the Forensic Science Laboratory by opining that authorship of the signature on the allegedly forged letter cannot be expressed clearly demonstrates the innocence of the accused No.1 and unequivocally absolves the accused No.1 from the alleged offences. The prosecution has utterly failed to produce any evidence in the final report so as to sustain the allegation that the present accused No.1 has fraudulently submitted the allegedly forged letter at the time of filing the suit with malicious intent to gain illegal profit and as such the penal provisions alleged by the prosecution is not applicable and has not made out the ingredients of the offences alleged.

Besides, there is not even an iota of evidence to arrive at an inference that the accused No.1 had committed the alleged offence.

3. Upon service of copy of said application, the complainant has objections stating that, seeking dismissal of the application contending that the said application is not maintainable and that there are no grounds to discharge the accused from the alleged offences. It is contended that, there is a Proof in writing from Press Club of Bangalore that the Letter is Fake. Its also proved that this Fake Letter with ulterior motives was produced it in the Hon'ble City Civil and Session Court Bangalore by the Accused No.1, and she was the sole beneficiary. Complainant is the Post Producer of the Film Kochadaiiyan and made an Investment of Rs.10 Crores. For the accused No.1, it was her family affair, as her daughter was doing the first film direction, her husband Actor Rajinikanth was the lead actor and she is the Guarantor. 20% of Tamilnadu

Rights collection of the Film Kochadaiiyan belonged to the Complainant. The amount had to be given in a week's time from the date of release. The film was released on 23rd May 2014 and the 20% Film Collection amount along with the invested amount had to be paid by 30th May 2014. The Film Collected Rs.197 Crores all India, and Rs.90 Crores in Tamilnadu.The Tamilnadu Rights of the Film Kochadaiiyan belonging to the Complainant were resold to another company Eros International by the accused No.1 joining hands in crime with Mediaone Global Entertainment Ltd., wherein the Accused No.1 was also the Director earlier. The Complainant filed a Police Complaint about the fraud and cheating of reselling the Tamilnadu Film Rights of the Film belonging to him. This news was widely covered in Newspapers and Press.

ii) It is contended that, to stop this truth coming out through Newspapers & Tv's the accused No.1 made a sinful, awful, nasty, terrible plan of filing two cases in courts, one in Chennai and one in Bangalore. In Madras

High Court it was filed by her partner in crime Mediaone Global Entertainment Ltd and in Bangalore in the City Civil and Sessions Court it was filed by the accused herself. In order to create the Jurisdiction to file a case in Bangalore the fake letter was created by the accused No.1, which was later caught and proved under investigation by Police of Bangalore, Karnataka. The Fake letter was created under the name and style of "The Publishers and Broadcasters Welfare Association of India, Press Club, Bangalore. Estd. 1996". The letter was addressed to herself as "Smt Latha Rajinikanth, 202, Golf View, Cresent Road, High Ground, Bangalore. Since the letter is addressed to herself, the signature cannot be her own. Its fake signature from someone, there is no name of the signatory. The accused No.1 using this fake letter filed a case on 77 Media and Publications including the complainant before the Hon'ble City Civil and Sessions Court, Bangalore with O.S. No.9312 of 2014 with ulterior motive approached the Ld. City Civil and Sessions Judge, Bangalore and sought interim injunction restraining the electronic/ print media from the coverage/ publishing the events in connection with the film Kochadaiiyaan. She was the sole beneficiary of this Order. Moreover she says that one Mr. Narayani had given it to her Advocate. If the address is Golf view Apartment, why will anyone deliver it somewhere else. Clearly fraud and cheating done by the Accused No.1 which is seen so visible.

iii) It is contended that, the Police investigated the letter submitted by the accused under affidavit, in the Hon'ble City Civil and Sessions Court Bangalore. Police found that it is fake and fictitious Letter and Collected Proof of the same. This proof was collected by the Police from Press Club of Bangalore on 9/6/2015. Accused No.1, immediately rushed to High Court of Karnataka and filed Criminal Petition No.4291 of 2015 invoking the inherent powers of the High Court whereupon the High Court of Karnataka quashed the impugned proceedings. The Complainant aggrieved by the said order approached the

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Hon'ble Supreme Court through 'Criminal Appeal No.854 of 2018 arising out of SLP (Criminal) No.4587 of 2016; whereupon the Hon'ble Supreme Court opined that the "High Court was not justified in quashing the impugned proceedings and rather, should have allowed the trial to progress". The Hon'ble Supreme Court also held that "Paragraph 12 of the complaint petition would go to show that the Complainant has a triable issue."In light of above the Apex Court has set aside the orders of the Hon'ble High Court of Karnataka and ordered that, "The averments in the complaint constitute a prima facie case for commencement of the trail". The Hon'ble Supreme Court Order dated 10th July 2018, in three bench court reinstated the case and cast an obligation on the investigation officer to submit the report, before this Hon'ble Addl. CMM Court and said for the speedy commencement of the trial.

iv) It is contended that, the Hon'ble Supreme Court of India by Order dated 10th Oct 2023, in two bench court

Hon'ble Mr.Justice A.S, Bopanna and Mr. Justice M.M. Sundresh reproduced the Order copy of the Order dated 10th July 2018 of three bench Court and cast an obligation on the Trial Court to use its powers and do justice. All the Sections 196, 199 and 420 of IPC are reinstated on the Accused No.1 in addition to Section 463 of IPC which is non bailable. The only document which was submitted to the court on which the Accused had based her entire case, which was filed with an affidavit ascertaining the same from the Accused herself, was false, forged and a fabricated document, which upon independent investigation and also upon the police investigation was found to be bogus, fake and in no way connected to the Press Club, Bangalore. It was a fictitious entity created for the sole purpose of committing fraud and cheating to siphon the money of the Tamilnadu Rights Collection belonging to the Complainant, which was resold by the accused.

v) It is contended that, accused No.1 who as stated is the founder of The Ashram School, its an open fact that the

Ashram School building was also sealed for non-payment of Rent to the landlord. The landlord too faced enormous difficulty in the rent recovery from the accused No.1, Latha Rajinikanth. The accused No.1 is a white collared fraudster, who cheats affluent business, promising them high returns. She uses the stardom of her husband Actor Rajinikanth. The last payment received was in the month of December 2014. On 20th February 2018, she committed and promised in the Hon'ble Supreme Court of India in front of Hon'ble Mr. Justice Ranjan Gogoi and Hon'ble Mrs. Justice R Banumathi, that she will make the payment within 3 months on ie is by 20th May 2018. But she did not make the payment, She dares not to keep up the promise made in the Apex Court of this Country. The fact of the case is that, the accused's daughter Soundarya Rajinikanth's was doing her first film direction of the movie which was Kochadaiiyaan. The accused husband Actor Rajinikanth was the lead actor. It was a family affair. The accused visited the Complainant Managing Director's

Bungalow and requested him to join as Post Producer. The Complainant agreed and made an Investment of Rs.10 Crores through bank. The accused gave her personal guarantee on a Stamp Paper along with her KYC to the Complainant that the payments along with said benefits as promised shall be returned by her, if her producer Medioane Global Entertainment Ltd. failed to do.

vi) It is contended that, 20% of Tamilnadu Rights Collection of the film Kochadaiiyaan belonged to the Complainant. The film Collected Rs.197 Crores in all India. The Tamilnadu Rights of the film collected Rs.90 Crores and 20% belonged to the complainant. The film was released on 23rd May 2014 and the payment to the Complainant had to be made within a week of the release of the Film ie by 30th May 2014. The Complainant filed a Police Complaint for double selling/reselling the Tamilnadu Rights belonging to him to other entity without informing him. To stop this truth of cheating and fraud of double selling the Tamilnadu Rights of the film Kochadaiiyaan reported in various Print and Visual Media, the accused created one more sinister, sinful, malicious, wicked, evil, criminal plan. She and her partner in crime Mediaone Global Entertainment Ltd filed two separate cases in courts. One in Madras High Court C.S. No. 806/2014 filed by Medioane Global Entertainment Ltd and one filed by the accused No.1 in City Civil and Sessions Court Bangalore, O.S.No.9312/2014, In Madras High Court, Hon'ble Justice Mr. R S Subbiah Ordered that the press is at liberty to report the news and they are run by their rules and regulations, as errata can be filed in case the news is incorrect and dismissed the case.

vii) It is contended that An Actor in movies does good works and people like him if they get to know that the actor's wife in real life is doing cheating and fraud, his rating will come down. The accused had done fraud by reselling/ double selling the Tamilnadu Rights of the Movie which belonged to the Complainant and cheated them. She cheated by double selling the Tamilnadu Rights. The truth was coming out through media and news. Hence the accused created this sinister plan of creating a fake letter and filing a case against 77 media and the complainant in the City Civil sessions Court of Bangalore Karnataka to prevent the truth being known to the public. It's a letter without any address of the organization or name of the person signing. The only fact in the letter is the To address which is addressed to the accused Golf View Apartment, Bangalore. Surprisingly the letter is not addressed to Chennai address where she actually lives. This is an address not know to anyone except the accused herself or her close known people. The question that *Who is Narayani*, the person is of no significance. *Where was the letter given? To whom it was given ? How did he come to City Civil Court? where is Narayani now?* Like the fake letter a fake name Narayani is created. The motive of the letter was to stop the truth coming out by newspapers and media and hence a court case was filed by the accused.

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viii) It is contended that, the accused filed a suit O.S.No.9312 of 2014 with just one fake letter under affidavit in the IX Additional City Civil & Sessions Court, Bangalore. The Hon'ble Judge of the City Civil & Sessions Court Bangalore, gave interim order of issue notice and to stop the news till the case was over. The Purpose of the accused was severed that the truth was not reaching people and she could continue to do fraud. The case was dismissed, stating that the accused did not have the jurisdiction and that she could file the case in Madras. The purpose of fake letter was just to file the case which was all in vain. In Madras she had already lost in the case which was filed by her partner in crime Mediaone Global Entertainment Ltd. Aggrieved by the Orders of the High Court of Karnataka date 10.03.2016 the Complainant preferred Criminal Appeal No. 854/2018 arising out of the SLP No. 4587/2016. The accused lost the case in Honble Supreme Court.

ix) It is contended that The accused being an Actor's wife feels that she is above all in the country. She thinks that, she can play around the system and keep doing cheating and fraud. She gives no respect to the courts of this country. Even if summoned she dares not to be present. Her Modus Operandi is to waste the time of Hon'ble courts. In Order not to pay money to the complainant she did double selling of the Tamilnadu Rights of the Film Kochadaiiyaan, she did perjury, she created the Fake Letter, she was the sole beneficiary of the Fake letter, the investigation has proved that the Letter is Fake.

x) It is contended that, the accused has done all the fraud and perjury to escape the legal payment. The fact that she is the sole beneficiary of the letter is enough ground to impose criminal liability on the Accused No 1. There is no crime without any motive. The Hon'ble Supreme Court by Order dated 10 July 2018 is very clear on this that the High Court was not justified in quashing the FIR No. 215 of 2015 and should have allowed the Trial to Progress. Investigation Proves that she is guilty U/s 199,196,420,463 of IPC and her entire family is involved. She has given the Personal Guarantee, as without her guarantee the complainant would not join in as Post Producer Medioane Global Entertainment Ltd is just a front face and hand in glove with the accused No.1.She visits the Complainant MD's Bunglow to request him to join her and help her daughter to direct her first movie.

xi) It is contended that, the matter above was set aside by Hon'ble Supreme Court in SLP(CRL) No. 9818/2022 and SLP(CRL) No.8327/2022 tagged together. The same is not applicable as the fake letter produced is ex custodian. The letter is created with her address for getting judication. It's obvious that the letter has her name and it cannot be signed by her. A fake person by name Narayani is created to escape the question as to how did the accused get the letter. The Forensic Science Laboratory clears that she has not signed, as the signature will obviously be done by another. She is the sole beneficiary. The motive of this Crime is just to escape the money taken away belonging to the complainant by reselling/Double selling the Tamilnadu Rights. The ulterior motive of filing the Case in the Court and she being the sole beneficiary are very clear grounds all this is proved by the investigation and she is guilty u/s 196, 199, 420 & 463 of IPC. the prosecution is absolutely unquestionably successful to produce the evidence in the final report so as to sustain the allegation that the present accused No.1 has fraudulently submitted the forged letter at the time of filing the suit with malicious, horrible and foul, intentions to gain illegal profit and as such the penal provisions by the prosecution has very clearly made out the ingredients of the offences alleged, U/s 199. 196, 420, 463 of the IPC. The discharge application be dismissed and the accused is to be punished. Thus, on these grounds prosecution sought for dismissal of the application with costs.

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4. Heard arguments of learned counsel for the accused and learned Senior APP for the prosecution. Learned counsel for the accused and learned Senior APP for the prosecution filed written submissions.

5. Upon hearing the arguments and on perusal of the records, the following points arise for my consideration:-

> *1) Whether the accused* No.1 *has made out sufficient grounds to discharge her from the alleged offences by allowing application?*
>
> *2) What order?*

6. My answer to the above points is as under:-

Point No. 1	- In the Negative
Point No. 2	- As per final order for the Following:-

REASONS

7. **POINT NO.1:-** The record shows that, complainant has filed private complaint u/s 200 of Cr.P.C against the accused alleging for the offences punishable under Sections 199, 196, 420, 463 of the IPC. The matter was referred for investigation by the Halsur Gate Police and accordingly after investigation the Halsur Gate have

registered the case against the accused No.1 and 2 for the offence punishable under Section 199, 196, 420, 463 R/w 34 of IPC.

8. It is the case of the prosecution that, the complainant has produced the film Kochadiian Tamil movie, wherein the husband of the accused No.1 was in lead male role. The accused No.1 was due for payment of Rs.6.20 crores, but the accused No.1 created fake letter in the name of Publishers And Broadcasters Welfare Association of India Press Club and produced before the Hon'ble V City Civil and Sessions Judge and obtained temporary injunction order in the civil suit. Thus, the accused No.1 is charge sheeted for the alleged offences.

9. The accused No.1 has sought for her discharge from the said case on the ground that, firstly she is a innocent and has not committed any offences. This ground pleaded by the accused could not be entertained without there been any trial or evidence.

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10. The learned counsel for the accused No.1 has sought for her discharge on the primary ground that, the allegations made by the complainant does not meet the requirement of the ingredients to constitute offence U/s 199. 196, 420, 463 of the IPC.

11. It would be helpful to go through the provisions of above stated Sections:-

S. 196 of IPC -Using evidence known to be false -Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

S. 199 of IPC -False statement made in declaration which is by law receivable as evidence -Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

S. 420 of IPC - Cheating and dishonestly inducing delivery of property Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, *alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*

S. 463 of IPC Forgery -Whoever makes any false document or false electronic record1 or part of a document or electronic record with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

12. The alleged offences against the accused No.1 is that, she has created and forged document and produced before the Court, though she knew that it was forged document with an intention of cheating and dishonesty.

13. The learned counsel for the accused No.1 has argued that, the mere fact that the accused No.1 is the beneficiary of the letter under question cannot be a ground to impose criminal liability. This admission by the accused No.1 at page No.7 of her discharge application clears the

fact that the accused No.1 is the beneficiary of the letter under question. The learned counsel for the accused No.1 has argued that, the dispute between parties is purely civil in nature and the findings given in the charge sheet cannot be taken into entirety which lacks criminal liability.

14. The counsel for accused No.1 has vehemently argued and also submitted his written submissions contending that, in the light of Section 195 R/w 340 of Cr.P.C there is an absolute bar against taking cognizance of the case and thus proceedings are not maintainable. It is also argued that in the absence of written complaint by the Court before whom the document is said to have been forged the embargo u/s 195 R/w 340 of Cr.P.C. is squarely attracted and present proceedings is nullity in the yes of law.

15. The learned counsel for the accused No.1 has drawn the attention of this court on the provisions of Section 195 and 340 of Cr.P.C.

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Section 195 of Cr.P.C states prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence

1.No Court shall take cognizance— (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or (ii) of any abetment of, attempt to commit, such offence, or (iii) of any criminal conspiracy to commit, such offence, Except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate; (i) of any offence punishable under any of the following section of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or (ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or (iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate. Where a complaint has been made by a public servant under clause (a) of Sub-Section (1) any authority to which he is administratively subordinate may order the withdrawal of the complaint and send a *copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint; Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded. In clause (b) of Sub-Section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, provincial or State Act if declared by that Act to be a Court for the purposes of this section. For the purposes of clause (b) of Sub-Section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from appealable decrees or sentences of such former Court, or in the case of a civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate; Provided that— a. where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate; b. where appeals lie to a civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.*

S. 340 Procedure in cases mentioned in section 195 - When upon an application made to it in this behalf or otherwise any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of Sub-Section (1) of section 195, which appears to have been committed in or in *relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary; record a finding to that effect; make a complaint thereof in writing;*

1. *send it to a Magistrate of the first class having jurisdiction;*
2. *take sufficient security for the appearance for the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do send the accused in custody to such Magistrate; and*
3. *bind over any person to appear and give evidence before such Magistrate.*

2. *The power conferred on a Court by Sub-Section (1) in respect of an offence may, in any case where that Court has neither made a complaint under Sub-Section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of Sub-Section (4) of section 195.*
3. *A complaint made under this section shall be signed;*
    1. *where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;*
    2. *in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.*
4. *In this section, "Court" has the same meaning as in section 195.*

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16. The provisions of the Section 195b of Cr.P.C specifically states as of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or.

17. The alleged offences i.e., Section 193, 196 comes under the purview of the provisions of Section 195(b)(i) of Cr.P.C. In this regard, the learned counsel for the complainant argued that, the document under which the accused No.1 is a beneficiary was created outside the court and submitted before the City Civil Court by the accused under affidavit with an intention to obtain order from the court.

18. At this stage, it would be relevant go through the document in question, the document is placed which was produced in the civil case by the accused No.1. The

accused No.1 has not denied the fact that she had filed O.S. No.9312/2014 before the IX Addl. City Civil and Sessions Judge and also obtained temporary injunction Order dated 30.02.2015. The record also show that, the O.S. No.9312/2014 was returned to the plaintiff under Order 7 Rule X of CPC by Order dated 13.02.2015. The fact remains that the accused No.1 had produced the document in the said suit. The prosecution has produced the said document which is found at SL. No.318 of charge sheet. The document dated 28.11.2014 in the letter head of *Publishers And Broadcasters Welfare Association of India Press Club Bengaluru 1996.*

19. As stated above, the alleged offences i.e., Section 193, 196 comes under the purview of the provisions of Section 195(b)(i) of Cr.P.C, but the prosecution has contended that, the accused has also committed offences punishable u/s 420 of IPC R/w 34 of IPC. It is not the case of prosecution that, the said document dated 28.11.2014

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was created by the accused No.1 in the court proceeding or in the court. The case of the prosecution is that, the accused No.1 has created the document and taken benefit under the said document. As the prosecution has contended that, the accused has also committed offences punishable u/s 420 of IPC R/w 34 of IPC, the argument of the learned counsel for the accused No.1 that the complaint by the complainant is not maintainable is not acceptable. The present application was filed by the accused No.1 under Section 239 of Cr.P.C to discharge her from the alleged offences.

239. When accused shall be discharged.

- If, upon considering the police report and the documents sent with it under Section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.

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20. Under the provision of Section 340 of Cr.P.C. states that such Court may, after such preliminary *inquiry.* Thus, under the provision of Section 340 of Cr.P.C it is the discretion of the court to initiate preliminary enquiry and take further actions. Thus, in the present case there was no occasions for the Hon'ble IX Addl. City Civil and Sessions Judge to take or conduct any preliminary enquiry as the plaint in O.S. No.9312/2014 was returned to the accused after passing of order on I.A. No.1. The certified copy of the order sheet is produced by the prosecution. As the prosecution has also alleged that, the accused has also committed the offences punishable u/s 420 of Cr.P.C. the bar u/s 195 of Cr.P.C cannot be made applicable to the case in entirety.

21. In this regard, the learned counsel for the complainant relied upon decision in Iqubal Singh Marval and another V/s Meenakshi Marval of Hon'ble Supreme Court of India. At para No.25 of the said judgment, the

Hon'ble Supreme Court of India has observed as under:- Section 195(i)(b)(ii) Cr.P.C. would be attracted only when the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceedings in any Court i.e., during the time when the document was in ***custodia legis.***

22. The learned counsel for the accused also argued that, the Hon'ble High Court of Karnataka vide order dated 02.08.2022 was pleased to allow CRP No.10145/2021 filed by the accused No.1 in part vide order dated 27.03.2021 so for as it took cognizance u/s 196, 199 and 420 of IPC came to be quashed. The learned counsel for the accused submitted that by Order dated 10.10.2023 in SLP No.9818/2022 and SLP No.8327/2022 the Hon'ble Supreme Court of India has restored the final report filed in the present case and permitted the accused No.1 to file discharge application and directed that the discharge

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application should be decided on its own merits and in accordance with law.

23. *The Hon'ble Supreme Court of India SLP No.9818/2022 and SLP No.8327/2022 has restored the final report by giving liberty to the accused to file appropriate application to seek discharge. It is also made clear in the said order that, if such application is filed on behalf of the petitioner, the findings rendered under the impugned order will not stand in the way and the trial court has directed to consider the same on its merits in accordance with law.*

24. This court abides by the Order passed by the Hon'ble Supreme Court of India. Thus, from the Order it is clear that the grounds which are already argued by the accused No.1 before the Hon'ble Supreme Court of India i.e., the applicability of provision of Section 195 and 340 of Cr.P.C, are again reiterated and argued by the accused

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No.1 in discharge application and the same is not maintainable.

25. The accused No.1 has also argued that, there is no materials placed by the prosecution to prove the charges levelled against the accused.

26. The Police upon registration of the FIR had conduced the investigation and recorded the statement of witness, conducted mahazar and submitted charge sheet to the court citing the witness and also produced the necessary documents. The prosecution has produced the documents i.e., the statement of witnesses, the notices issued to the witnesses, the Police notice, mahazar, reminder, the statement of witnesses recorded before the Magistrate, the disputed document, seizure mahazar, property form, requisition for examination, articles at FSL, and FSL report. Except the bare averments in the application, absolutely no convincing the grounds are made out by the accused No.1 to show that there are no

prima-facie materials to proceed against her. Mere pleading that, there are no allegations in the FIR, complaint and charge sheet and the matter is civil in nature does not constitute valid grounds for discharge of the accused.

27. It is settled law that, at the time of framing of the charge the court has to consider prima-facie materials to proceed against the accused and court cannot look into or search for the materials in the case of prosecution, which would end into conviction. The documents of the prosecution and the statement does show that, there is prima-facie case to proceed against the accused. Thus, the accused No.1 has not made out any justifiable grounds to discharge her from the alleged offences. Accordingly, I answer point No.1 **in the Negative**.

28. **<u>Point No.2:-</u>** For the above said reasons, I proceed to pass the following;

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ORDER

Interim application filed U/sec 239 of Cr.P.C by the accused No.1 is hereby rejected.

(Dictated by me on computer, typed by the stenographer, same was corrected by me and then pronounced in open Court on this the 27th day of September 2025)

(JYOTHI SHANTAPPA KALE)
XLVIII ACJM, BENGALURU

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