



NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

WRIT PETITION NO. 26156 OF 2022 (GM-RES)

C/W

WRIT PETITION NO. 25699 OF 2022 (GM-RES)

WRIT PETITION NO. 26136 OF 2022 (GM-RES)

IN WP NO. 26156/2022

BETWEEN:

1. CHIRAG SEN
S/O DHIRENDRA KUMAR SEN
AGED ABOUT 24 YEARS
KARNATAKA BADMINTON ASSOCIATION
NO.4, JASMA BHAVAN ROAD,
MILLERS TANK BED AREA
BENGALURU - 560 052.
ALSO HAVING ADDRESS AT, 14086,
PRESTIGE ROYAL GARDEN
YELAHANKA
BENGALURU - 560 064
2. NIRMALA DHIRENDRA SEN
W/O DHIRENDRA KUMAR SEN
AGED ABOUT 55 YEARS
KARNATAKA BADMINTON ASSOCIATION
NO.4, JASMA BHAVAN ROAD
MILLERS TANK BED AREA
BENGALURU - 560 052.
ALSO HAVING ADDRESS AT, 14086,
PRESTIGE ROYAL GARDEN
YELAHANKA
BENGALURU - 560 064

...PETITIONERS

(BY SRI. VARUN JOSHI, ADVOCATE)





NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

IN WP NO. 25699/2022

BETWEEN:

1. LAKSHYA SEN
S/O DHIRENDRA KUMAR SEN
AGED ABOUT 21 YEARS
KARNATAKA BADMINTON ASSOCIATION
NO.4, JASMA BHAVAN ROAD
MILLERS TANK BED AREA
BENGALURU - 560 052
ALSO HAVING ADDRESS AT, 14086,
PRESTIGE ROYAL GARDEN, YELAHANKA
BENGALURU - 560 064.
2. U. VIMAL KUMAR
S/O UNNIKRISHNAN NAIR
AGED ABOUT 61 YEARS
ALSO HAVING ADDRESS AT
NO.10-B, GOLF LINK APARTMENTS
CUNNINGHAM ROAD
BENGALURU - 560 052.

(BY SRI. VARUN JOSHI, ADVOCATE)

...PETITIONERS

IN WP NO. 26136/2022

BETWEEN:

DHIRENDRA KUMAR SEN
S/O LATE C.L. SEN
AGED ABOUT 60 YEARS
KARNATAKA BADMINTON ASSOCIATION
NO.4, JASMA BHAVAN ROAD
MILLERS TANK BED AREA
BENGALURU - 560 052.
ALSO HAVING ADDRESS AT, 14086
PRESTIGE ROYAL GARDEN, YELAHANKA
BENGALURU - 560 064.

(BY SRI. VARUN JOSHI, ADVOCATE)

...PETITIONER

AND:

1. STATE OF KARNATAKA
BY HIGH GROUNDS POLICE STATION
BENGALURU, KARNATAKA



NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001

2. NAGARAJA M.G.
S/O GAVIYAPPA
AGED ABOUT 42 YEARS
NO.45, MAGADI MAIN ROAD
MUDDANAPALYA NEAR BUS STAND
BENGALURU NORTH
BENGALURU - 560 091.

...COMMON RESPONDENTS

(BY SRI. VENKAT SATHYANARAYAN, HCGP FOR R1
SRI. K. VIJAYA KUMAR, ADVOCATE FOR R2)

WRIT PETITION NO.26156 OF 2022 IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE FIRST INFORMATION REPORT (FIR) AND PROCEEDINGS IN CRIME NO.194/2022 DATED 01.12.2022 REGISTERED BY R1 UNDER SECTIONS 420, 468, 471 AND 34 OF THE INDIAN PENAL CODE, 1860 PENDING BEFORE THE HONBLE VIII ADDL CHIEF METROPOLITAN MAGISTRATE, BENGALURU AND ALL CONSEQUENT PROCEEDINGS THERETO IN SO FAR AT THE PETITIONERS HEREIN (ACCUSED NO. 2 AND 5) AT ANNEXURE A AND ETC.,

WRIT PETITION NO.25699 OF 2022 IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE FIRST INFORMATION REPORT (FIR) AND PROCEEDINGS IN CRIME NO.194/2022 DATED 01.12.2022 REGISTERED BY R1 UNDER SECTIONS 420, 468, 471 AND 34 OF THE INDIAN PENAL CODE, 1860 PENDING BEFORE THE HONBLE VIII ADDL CHIEF METROPOLITAN MAGISTRATE, BENGALURU AND ALL CONSEQUENT PROCEEDINGS THERETO AT ANNEXURE A IN SO FAR AT THE PETITIONERS HEREIN AND ETC.,.

WRIT PETITION NO.26136 OF 2022 IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE FIRST INFORMATION REPORT (FIR) AND PROCEEDINGS IN CRIME NO.194/2022 DATED 01.12.2022 REGISTERED BY R1 UNDER SECTIONS 420, 468, 471 AND 34 OF THE INDIAN PENAL CODE, 1860 PENDING BEFORE THE HONBLE VIII



NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

ADDL CHIEF METROPOLITAN MAGISTRATE, BENGALURU AND ALL CONSEQUENT PROCEEDINGS THERETO IN SO FAR AT THE PETITIONERS HEREIN (ACCUSED NO.1) AT ANNEXURE A AND ETC.,

THESE WRIT PETITIONS, COMING ON FOR HEARING - INTERLOCUTORY APPLICATIONS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE M G UMA

ORAL ORDER

The petitioners in Writ Petition No.26156 of 2022 being accused Nos.2 and 5, the petitioners in Writ Petition No.25699 of 2022 being accused Nos.3 and 4 and the petitioner in Writ Petition No.26136 of 2022 being accused No.1 have filed these petitions seeking to quash the criminal proceedings initiated against them in Crime No.194 of 2022 of High Grounds Police Station (PCR No.14448 of 2022) on the file of the learned VIII Additional Chief Metropolitan Magistrate, Bengaluru, registered for the offences punishable under Sections 420, 468, 471 read with Section 34 of Indian Penal Code (for short 'the IPC').

2. Brief facts of the case are that, respondent No.2 - complainant has filed the private complaint in PCR No.14448 of 2022 against accused Nos.1 to 5 before the Trial Court alleging commission of offences punishable under Sections 420, 468, 471 read with Section 34 of IPC. It is the contention of



NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

respondent No.2 that accused No.1 is the father and accused No.5 is the mother of accused Nos.2 and 3 and accused No.4 is the employee of Karnataka Badminton Association. Accused No.1 being the badminton coach working in reputed Prakash Padukone Badminton Academy, in collusion with the co-accused managed to fabricate the birth certificate of accused Nos.2 and 3 showing their age less by about 2½ years, to enable them to take part in badminton tournament and thereby claimed the benefits illegally and committed cheating.

3. The Trial Court referred the matter for investigation under Section 156(3) of Cr.P.C. Accordingly, FIR in Crime No.194 of 2022 of High Grounds Police Station came to be registered. The investigation was undertaken. In the meantime, the petitioners have filed these petitions seeking to quash the criminal proceedings initiated against them.

4. Learned counsel for the petitioners has not addressed his arguments in spite of giving sufficient opportunity. His prayer for grant of some more time is rejected. Heard Sri Venkat Sathyanarayana, learned High Court Government Pleader for respondent No.1 and Sri K Vijaya



Kumar, learned counsel for respondent No.2. Perused the materials on record.

5. In view of the contentions urged by learned counsel for the respondents and on going through the materials placed on record, the point that would arise for my consideration is:

"Whether the petitioners have made out any grounds to allow the petitions and to quash the criminal proceedings initiated against them?"

My answer to the above point is in the 'Negative' for the following:

REASONS

6. Respondent No.2 - the complainant after having obtained information under the Right to Information Act from the Sports Authority of India (Ministry of Youth Affairs & Sports), New Delhi, has filed the complaint before the Trial Court in PCR No.14448 of 2022 alleging concoction of the documents by accused No.1 in collusion with accused Nos.4 and 5 in fabricating the birth certificates of his two sons, who are accused Nos.2 and 3. It is stated that the departmental enquiry was conducted in that regard and accused No.1 was



found guilty by the Enquiry Officer and the same was confirmed by the Disciplinary Authority.

7. It is the contention of the complainant that accused No.2 is the son of accused Nos.1 and 5, who was born somewhere during January-February 1996. This fact is evidenced by Annexure-R1 produced along with the statement of objections i.e. nomination form submitted by accused No.1 with his signature, declaring that accused No.2 is aged 8 months as on 05.09.1996 and subsequently in collusion with other accused concocted and fabricated the birth certificate to show date of birth of accused No.2 as 22.07.1998. Similarly, accused No.3 is the second son of accused Nos.1 and 5 and similar fabrication of birth certificate was done to show the age much less than the actual age, only with an intention to enable accused Nos.2 and 3 to take part in badminton tournament and to claim the benefits from the Government. Accused No.4 is the employee of the Karnataka Badminton Association, who assisted accused Nos.1 to 3 and 5 in fabrication of the documents. It is alleged that all the accused have colluded with one another and committed the offences in question.



NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

8. The complainant has produced the documents obtained by him under Right to Information Act in support of his contention and requested the Trial Court to summon the original records from the Sports Authority concerned i.e., Sports Authority of India (Ministry of Youth Affairs & Sports), New Delhi. On verification of the documents, the Trial Court referred the matter to High Grounds Police Station for investigation under Section 156(3) of Cr.P.C. Accordingly, FIR came to be registered and the investigation was undertaken. Since the interim order of stay was granted by this Court on filing of the petitions, the investigation was not concluded.

9. Respondent No.2 has filed the statement of objections along with the documents, which are GPF nomination form and Memorandum of Articles of Charge against accused No.1 framed in departmental enquiry. The authenticity of these documents is not under challenge. The materials that are placed on record discloses that accused No.1 taking advantage of his position as coach in Badminton Academy colluded with accused No.4, who is also the employee of the Karnataka Badminton Association, accused No.5 being the mother of accused Nos.2 and 3 have fabricated the birth



NC: 2025:KHC:7470
WP No. 26156 of 2022
C/W WP No. 25699 of 2022
WP No. 26136 of 2022

certificates and manipulated the date of birth of accused Nos.2 and 3 to enable them to take part in badminton tournament and claimed the benefit from the Government.

10. When *prima facie* materials are placed on record which constitute the offences, I do not find any reason either to stall the investigation or to quash the initiation of criminal proceedings. There are sufficient materials that are placed before the Court by the complainant which are the documents that are obtained under the Right to Information Act from the appropriate authority. Under such circumstances, I do not find any reason to entertain the petitions. Accordingly, I answer the above point in the negative and proceed to pass the following:

ORDER

The writ petitions are ***dismissed.***

**Sd/-
(M G UMA)
JUDGE**

*bgn/-
CT:VS
List No.: 1 Sl No.: 9