

(2007) 10 KAR CK 0072

In the Karnataka High Court

Case No : Criminal Petition No"s. 1741, 2289 and 3415 of 2007, 6039 and 6040 of 2006

Dr. C.S. Nagalakshamma

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 22-10-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 195, 340

Citation : (2008) 2 KarLJ 301

Hon'ble Judges : K. Ramanna, J

Bench : Single Bench

Advocate : K. Nagabhushana Reddy and Associates in Cri. P. No. 1741 of 2007, T. Prakash, in Cri. P. No. 2289 of 2007 and C.V. Nagesh, in Cri. P. Nos. 6039 and 6040 of 2006 and S.S. Koti and V.S. Koti, in Cri. P. No. 3415 of 2007, for the Appellant; S. Dore Raju, State Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

K. Ramanna, J.—All these criminal petitions are filed by the respective petitioners to quash the proceedings initiated in Cr. Nos. 416, 417 and 196 of 2006 of Ulsoor Gate Police Station and Crime No. 81 of 2007 of Gandhinagar Police Station, Bellary.

2. The brief facts of all these cases are that, the KSRTC who is complainant in all these cases, filed complaints against this petitioners and others on the allegations that some persons made false claims against the KSRTC before the Motor Accident Claims Tribunal with a mala fide intention to make unlawful gain, in collusion with the petitioners-accused and others who are Doctors, Police and Advocate, who issued false wound certificate and registered false case and claim petition though the said claimants were neither involved in the accident not sustained any injuries and the documents produced by the claimants before the MACT are all false and fabricated.

Cri. P. No. 1741 of 2007:

3. The facts of the case in Cri. P. No. 1741 of 2007 is that the complainant respondent herein filed a complaint against this petitioner and others in Cr. No. 196 of 2006 on the file of the Ulsoor Gate Police Station, Bangalore on the allegations that one Chandramma filed a claim petition in MVC No. 5451 of 2003 before the Motor Accident Claims Tribunal Court contending that she sustained grievous injuries in the motor vehicle accident that occurred on 3-8-2003 near Madwara Bridge on Bangalore-Tumkur road involving KSRTC bus bearing Registration No. KA-07 F-713, one private (SLN) bus and another KSRTC bus bearing Registration No. KA-16/18872 (Hired bus). The allegations made by the complainant against this petitioner is that the said Chandramma in the said claim petition produced the fabricated wound certificate issued by the petitioner, as if she has taken treatment on 5-8-2003 in the Government Hospital, Nelamangala but according to complainant the same was obtained by Chandramma-claimant with the connivance of petitioner-Medical Officers in the Government Hospital, even though the petitioner has not treated the said Chandramma.

4. It is contended by the Counsel for the petitioner that the complaint against the petitioner is false and in fact petitioner has treated the said Chandramma-claimant before the MACT on 5-8-2003 at 1.05 p.m. when the petitioner was in emergency duty and the same has been recorded in the medical legal register. It is further contended that Nelamangala Police have filed FIR in Cr. No. 550 of 2003 in respect of the above said motor vehicle accident that occurred on 3-8-2003 and charge-sheet is also filed against the erring driver of the KSRTC bus bearing Registration No. KA-07 F-713 and in the charge-sheet the said Chandramma-claimant, has been shown as C.W. 5 and in fact she appeared before the Magistrate and gave her evidence, hence the allegation of the complainant-KSRTC that the petitioner issued false wound certificate is not correct. It is argued by the learned Counsel for the petitioners that it is a fact that KSRTC bus involved in a motor vehicle accident and a case came to be registered against its driver and three vehicles were involved in the said accident within the limits of Nelamangala Police Station and some of the passengers in the bus sustained injuries and some sustained fatal injuries and they were under the treatment in Government General Hospital, Nelamangala and the Doctors of the said hospital examined and treated them. It is further contended that driver of the motor vehicle came to be prosecuted, and the petitioner was summoned to give evidence in relation to the treatment given to the victim-claimant and the prescriptions of the doctors. It is further contended that the claim of the said Chandramma before the Motor Accident Claims Tribunal is resisted by the KSRTC by filing its counter but did not choose to lead any evidence. It is further contended that the complainant-KSRTC has not raised this contention before the MACT and even the erring driver of the KSRTC who stepped into witness-box in criminal case against him has not said anything about the evidence brought on record and when the matter has been already decided by the Competent Court the complaint filed by the KSRTC after lapse of nearly 3 years on false and fabricated documents is not sustainable and registering the case by the Police is

an abuse of process of law, it is further contended that if the complainant-KSRTC is aggrieved by the said order and award passed by the MACT they have every right to challenge the said order and hence the criminal case cannot be initiated against this petitioner and the investigator cannot find a finding contrary to the findings given by the Courts of law and judicial findings cannot be the subject-matter of a Police investigation and the same amounts to abuse of process of law and prays for allowing the petition. It is further argued that the observation made by the MACT in the claim petition filed by one Chandramma is unwarranted and the observations made by the MACT ought to have been attributed to prosecute her who has filed a claim petition on the basis of a false documents but the observations made if any made by the MACT cannot be taken into account to prove the certificates issued by the Doctors is in collusion with Advocates and claimants.

Cri. P. Nos. 6039 and 6040 of 2006:

5. The allegations made by the complainant-respondent against the petitioner herein in both the cases is that the petitioner being the Surgeon and Senior Medical Officer in General Hospital, Nelamangala issued false wound certificate and prescriptions to the persons to assist them to claim compensation from the respondent-complainant alleging that they sustained injuries in the accident that took place within the limits of Nelamangala Police Station on 19-8-2001 and 3-7-2002 involving KSRTC vehicles bearing Registration Nos. KA-01 F-6135 and KA-01 F-6813 respectively and one Sri Dharanesh and others were said to have filed a claim petition before MACT on the basis of the wound certificate and prescriptions issued by this petitioner.

6. It is contended by the Counsel for the petitioner that the petitioner led an honest life, and has excellent academic and professional record. At the relevant point of time he was working as a Senior Medical Officer, attached to the General Hospital, Nelamangala. On 19-8-2001 and 3-7-2002 the road accident involving the motor vehicle bearing Registration Nos. KA-01 F-6135 and KA-01 F-6813 respectively, took place in the limits of Nelamangala Police Station and he had treated several injured persons. It is further contended that in respect of the said accident C.C. No. 236 of 2002 and C.C. No. 60 of 2003 came to be registered against the erring drivers of KSRTC. It is further contended that neither the Tribunal where the claim petition came to be filed and adjudicated nor the Court where the erring driver of the motor vehicle came to be prosecuted, summoned the petitioner to give evidence in the case either in relation to the treatment said to have been to the injured or the prescriptions of the Doctors. It is further contended that KSRTC has resisted the claim petition by filing its counter but it did not choose to lead any evidence and the Tribunal passed orders allowing the claim petition fixing the liability on the KSRTC.

7. It is argued that when the matter stood like this the respondents filed a complaint against the petitioner and other on 21-11-2006 and 20-11-2006 respectively after a lapse of nearly one year which is incorrect and illegal. It is

contended that the KSRTC has resisted the claim of the claimant before the MACT, the Tribunal has accepted the evidence brought on record by the claimant and given a decision in favour of the claimant but during the trial the KSRTC has not raised any contention before the MACT that the evidence brought on record, both oral and documentary, is false and fabricated, in the claim petition before MACT the KSRTC has not led any evidence in support of its defence. The driver who stepped into the witness-box does not even whisper anything about the evidence brought on record by the prosecution. It is contended that the road traffic accident which took place on 19-8-2001 involving the motor vehicle bearing Registration No. KA-01 F-6135 and 3-7-2002 involving vehicle bearing registration No. KA-01 F-6813 within the limits of Nelamangala Police Station and that some persons injured in the said road accident is not in dispute, and it is not in dispute that a case came to be registered against the erring driver of the bus in CC No. 236 of 2002 and CC No. 60 of 2003 respectively. It is argued that the Medico Legal registers maintained by the Government General Hospital discloses that some persons were treated as out patients and some were treated as inpatients and they have been given prescriptions to take the medicines. Therefore, the said Dharanesh has been treated initially by Dr. D. Nagaraj who examined and treated him as outpatient and this petitioner has not at all treated the said Dharanesh therefore, it is argued that a false case came to be registered against this petitioner it is further argued that the complaint is motivated and lacks bona fides and smells mala fides and that the registration of the crime and its investigation is illegal, improper, opposed to law, facts, probabilities and weight of evidence in the case and as such the FIR deserved to be quashed and hence he prays for allowing the petitions.

Cri. P. No. 2289 of 2007:

8. Whereas, the petitioner in Cri. P. No. 2289 of 2007 against whom a case in Crime No. 417 of 2006 came to be filed is registered by the Ulsoor Gate Police Station for the offences punishable under Sections 465, 468, 471, 420, 209, 120-B and 511 read with Section 34 Indian Penal Code, 1860. The allegation made by the complainant-KSRTC is that on 3-7-2002 a road traffic accident occurred within the limits of Nelamangala Police Station involving KSRTC but bearing Registration No. KA-01 F-6813 which colluded with a matador on Kunigal by-pass road near Nelamangala Town and one Jani Pasha said to have been died and several other persons injured. The specific allegations made against this petitioner is that the petitioner being the Sub-Inspector of Police in the said Police Station at the relevant point of time had filed the charge-sheet in respect of the said accident, in collusion with doctor and Advocate to help the claimants to file the false claim petitions for compensation even though the claimants had not sustained any injuries in the accident and no post-mortem was conducted on the dead body of Jani Pasha and that false claim petitions were filed by the claimants in collusion with doctors, Advocates and police. It is contended by the petitioner that the allegations made in the complaint are incorrect, since he has not investigated the case and not filed the charge-sheet. One Krishnappa who

was the Circle Inspector of Police at the relevant point of time who had investigated the case and thereafter, one Palakshappa who was transferred to the place of Krishnappa, filed the charge-sheet in this case. Though he has not filed the charge-sheet, the petitioner had been falsely implicated in this case. It is contended that MACT has given a judicial finding on those documents now the police are investigating the matter which has been disposed off by the MACT which is a clear abuse of process of law. It is further contended that u/s 195 of the Criminal Procedure Code, 1973, to take the cognizance pertaining to the false and fabricated documents given in evidence in the judicial proceedings Section 340 of the Cr. P.C. prescribes the procedure for taking the cognizance pertaining to giving false evidence in the Court. The police cannot directly register the case pertaining to giving false evidence before the Court unless it is referred by the concerned Court where the false evidence has been lead by the parties. It is further contended that when the accident in question and filing of criminal case against the erring driver of KSRTC is not disputed by the complainant he cannot now contend that the registering of the " case by the Sub-Inspector is not correct.

9. It is also contended that so far as accident involved in this case is concerned the petitioner has registered the case on the basis of the complaint given by the informant and thereafter on the same day itself, he handed over the case on Inspector of Police Krishnappa for further investigation. Accordingly the said Krishnappa has taken up the further investigation and held the inquest mahazar on the dead body of the Jani Pasha and recorded the statement of injured witnesses, collected the necessary documents and later handed over the further investigation to new Inspector of Police i.e., D. Palakshaiah who in turn filed the charge-sheet in this case. The petitioner had not investigated this case and not recorded the statements of witnesses and not collected the wound certificate and the petitioner has played no role in this case. It is further contended that as per the complaint allegations with regard to inquest mahazar and post-mortem on the dead body of Jani Pasha and also with regard to false wound certificates obtained by the persons who were not involved in the accident. As per the charge-sheet in respect of the accident case, it is Krishnappa who is the Inspector of Police who has conducted the inquest proceedings on the dead body of Jani Pasha and it is he who recorded the statements of injured witnesses. The post-mortem has been done by Dr. Tulsiram and the petitioner has not recorded the statements of injured witnesses and he had not done the investigation and he has also not filed the charge-sheet.

10. It is further contended that regarding the claim petitions, the KSRTC has resisted the claim petition and filed the detail objections and contested the matter but it has not disputed the documents filed by the claimants, and the matter has been disposed off by the Tribunal and after a lapse of one year from the date of the award passed by the MACT the complainant has filed a false complaint in order to avoid the liability. It is also contended that there is inordinate delay in filing the complaint though the alleged offences have take

place in the year 2002 the complaint came to be filed on 20-11-2006. It is also argued that the Police Sub-Inspector has powers to go on with the case only for an offence punishable u/s 279 of the IPC. Therefore, the present case has not at all been investigated and now the petitioner has become a scape goat at the hands of the respondent/police for not doing any fault.

11. In this behalf, learned Counsel for the petitioner has drawn the attention of the Court to Section 482 of the IPC and Sections 195 and 340 of the Cr. P.C. and prays that the petition is liable to be allowed.

12. Whereas, the petitioners in Cri. P. No. 3415 of 2007 contends that the Vigilance Officer attached to the KSRTC filed a false complaint before the Gandhinagar Police Station, Bellary, which came to be registered in Cr. No. 81 of 2007 against them for the aforesaid offences on 26-5-2007. The petitioners were said to have helped one S.G. Bheema Reddy and his wife Mallamma to file false claim petitions before MACT against the complainant-KSRTC who are said to be injured in the road traffic accident that occurred on 21/22-4-1998 who were travelling in the KSRTC bus bearing No. KA-07 F-280 belonging to KGF depot of Kolar Division.

13. It is argued by the learned Counsel for the petitioners Sri S.S. Koti, argued that the petitioners 1 and 2 are the practicing Advocates at Bellary against whom a false case has been registered in Cr. No. 81 of 2007. 1st petitioner is the District Government Advocate and since the claimants approached him to file the claim petitions and on the basis of the wound certificates the 1st petitioner filed claim petitions and same were allowed by the MACT. No such contentions were taken by the complainant-KSRTC before the MACT with regard to the alleged false and fabricated documents and the wound certificates and there is no proof to believe that the said Advocates in collusion with the Police Officers and doctors got filed the false claim petitions. It is further argued that when the claim petitioner were filed the 2nd petitioner was still prosecuting his law studies and he was not at all enrolled as an Advocate and thus there is no question of his involvement in the alleged offence if any. Hence, he prays for allowing the petition.

14. Hence, the petitioners in all these petitions prays that the petitions be allowed by quashing the impugned order under challenge.

15. Learned Counsel for the petitioner in Cr. P. Nos. 6039 and 6040 of 2006, relied on the decision in the case of Babu Lal and Others Vs. State of Rajasthan, wherein, it has been held thus:

There cannot be any doubt that the proceedings in relation to prosecution u/s 209 are covered by Clause (b)(ii) of Section 195(1) and that offence is also, therefore, one committed in proceedings in any Court. Normally, no cognizance of any of these offences under Sections 209, 471 and 466 could be taken without complaint of the concerned Civil Judge. The report u/s 173 of the Code of Criminal Procedure cannot be construed by any stretch of imagination being

complaint u/s 173 of the Cr. P.C. because Section 2(d) defines complaint when it says "but does not include a police report". The explanation makes things further clear by pointing out that the Police Officer when makes the police report, shall be deemed to be a complaint. In such circumstances, the learned Judge was in error in taking cognizance of the matter and framing charges as he did by the impugned order. His order being unsustainable in law, is, therefore, liable to be quashed.

16. As against this, Sri Dorai Raj, learned State Public Prosecutor appearing for the respondent/State submitted that the KSRTC is a reputed Corporation running large number of busses through out the State and on account of such false claim petitions, it has sustained huge loss and the Advocates, Police Officers and the Doctors have issued false would certificates, death certificates and filed false claim petitions. Therefore, the learned MACT has rightly observed in its judgment in the claim petition of one Chandramma who has made a false claim petition on the basis of the false and fabricated documents. Therefore, KSRTC appointed its Vigilance Officer to investigate and submit a report and on the basis of the investigation conducted by the officers, complaints were filed in various places against the Doctors, Police Officers and Advocates who are involved in filing the false claim petitions. It is also contended that prima facie it discloses that Chandramma has not sustained any injuries and the doctor has issued the false would certificate without treating her. Even though one Jani Pasha died on account of some other reason, a false post-mortem report has been issued only to file a false claim petition. Therefore, KSRTC challenged the judgment and award passed by the Tribunal before this Court in MFA and therefore, a complaint came to be filed against the Police Officers, Doctors and Advocates. The claimants mislead the MACT and obtained the judgment and award in their favour and the appeals preferred against such judgment and award are still pending adjudication. Therefore, sanction is not required for registration of the case against the public servants. Therefore, there is no abuse of process of law in filing the complaint against a public servant like Doctors, Police Officers and also against the Advocates.

17. In support of his contention, learned State Public Prosecutor relied on a decision in the case of Iqbal Singh Marwah and Another Vs. Meenakshi Marwah and Another, , wherein, it has been held thus:

Section 195(1)(b)(ii) of the 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 proceeding in any Court i.e., during the time when the document was in custodia legis.

18. Therefore, it is argued that the provisions of Section 195 of Cr. P.C. is not at all applicable and when the matter is under investigation, this Court cannot interfere with the investigation of the cases against the petitioners. It is for the Investigating Officer to investigate the case fairly and to submit the report. In case, the Investigating Officer has filed a charge-sheet, then the petitioners are

at liberty to appear and pray for discharge. Therefore, it is not a proper stage to stop the investigation taken by the police on the basis of the complaint filed by the competent person of the KSRTC and prays for dismissal of all these petitions.

19. Having heard the arguments of the learned Counsel appearing on both sides and after perusing the documents, the point that arises for my consideration and decision is:

(a) Whether the initiation of criminal proceedings against the public servants after judgment and award passed by the Tribunal, on the allegations that documents produced before the Tribunal are false and fabricated, is illegal or incorrect?

(b) If so, whether the registration of the criminal cases overwrite the judgment and award passed by the Tribunal on the basis of the allegation that the Doctors, Police Officers and the Advocates have colluded and fabricated the documents and caused unlawful loss to the KSRTC?

20. The petitioners in all these five cases are respectable persons and all of them are doing noble profession like advocacy, law enforcing authority and the doctors. In Cri. P. No. 1741 of 2007 no doubt, the KSRTC bus was involved in the accident and several inmates of the bus as well as inmates of another private bus were injured and two persons died in the motor vehicle accident and a case came to be registered in the jurisdictional Nelamangala Police Station. The contention of the respondent is that the petitioner is a Medical Officer who issued false and fabricated wound certificate. Therefore respondent/police registered a case in Crime No. 196 of 2006 against this petitioner and one Chandramma and four others for the aforesaid offences. The petitioner in Cri. P. Nos. 6039 and 6040 of 2006 Dr. Tulsiram is said to have issued the wound certificate in favour of one Dharanesh, and he who conducted autopsy over the dead body of the deceased Jani Pasha, the record clearly indicates that the claim petition was filed on behalf by one Kursheed Jan and others on account of death of Jani Pasha through their Advocate, which was allowed in part. The record indicates that one Ratnakar Shetty, the then PSI of Nelamangala Police Station registered a case on the basis of the complaint and handed over the case to one Krishnappa for further investigation. Thereafter, a case came to be registered against the driver of the KSRTC bus for an offence punishable under Sections 279, 337, 338 and 304-A of the IPC. Therefore, the very Krishnappa held the inquest over the dead body of Jani Pasha and partly investigated the case and further investigation was handed over to his successor in office to file the charge-sheet and he collected the wound certificate, post-mortem report and submitted the charge-sheet to the learned Judicial Magistrate First Class, Nelamangala against the driver of the KSRTC bus. Therefore, the petitioner in Cri. P. No. 2289 of 2007 as well as the petitioner in Cri. P. Nos. 6039 and 6040 of 2006, who are the Sub-Inspector of Police of Nelamangala Police Station and the Medical Officer of the Government General Hospital, Nelamangala respectively, discharged the duties assigned to them by taking the injured persons to the hospital and by conducting post-mortem over

the dead body of Jani Pasha. So, on the basis of the charge-sheet filed against the driver of KSRTC bus, the injured as well as the dependents of the deceased Jani Pasha filed claim petitions before the jurisdictional MACT claiming compensation. After appearance, KSRTC filed detail written statement contending that the claimants are put to strict proof of nature of the injuries sustained by them but it has not taken any contention that the documents produced before the Tribunal by the claimants are false and fabricated. Though respective claimants have adduced evidence to prove their respective claim petitions, the KSRTC failed to adduce any evidence. Considering the oral and documentary evidence placed on record, the MACT passed the judgment and award in favour of the claimants. It is seen that after 3 years of passing of the judgment and award by the MACT, the KSRTC deputed its Vigilance Officer to conduct the investigation whether the injuries sustained by the claimants are true or not and whether the Jani Pasha died on account of the injuries sustained in the motor vehicle accident. On the basis of the report submitted by the Vigilance Officer of the KSRTC, complaints came to be filed in various Police Stations against the claimants, Doctors, Police Officers and Advocates through whom the earlier claim petitions were filed, alleging that the Police Officers, Doctors and the Advocates have colluded and got filed the claim petitions by fabricating the false documents to make a false claim through the claimants without examining the medico legal register maintained by the hospital. The doctors who are the petitioners in Cri. P. Nos. 1741 of 2007, 6039 and 6040 of 2006 are said to have issued the wound certificate in favour of one Chandramma and who conducted post-mortem on the dead body of one Jani Pasha. It has to be noted that one Nagalakshamma-petitioner in Cri. P. No. 1741 of 2007, the then lady Medical Officer of the Government General Hospital, Nelamangala, who treated Chandramma as out patient and the same has been recorded in the Medical Legal Register. One Dharanesh filed the claim petition i.e., MVC No. 932 of 2002 with a prayer to award compensation of Rs. 2,50,000/- against the KSRTC and one Dr. D. Nagaraj issued the wound certificate and he has not been treated either by Dr. Tulsiram or by Dr. Nagalakshamma. Dr. D. Nagaraj is said to have issued the wound certificate to Dharanesh, who is not a party in these petitions. Therefore, considering the entries in the medico legal registers and the judgment and award passed by the Trial Court on the basis of the oral and documentary evidence placed on record by the victims of the road traffic accident, so also considering the fact that the KSRTC got filed the complaint on the basis of the report submitted by the Vigilance Officer that too after lapse of 3 years against those doctors, Advocates and the Police Officers, appears to be totally incorrect and illegal. The S.H.O. who registered the case in Crime Nos. 416, 417 and 196 of 2006 tried to over write the judgment and award passed by the MACT. When once the KSRTC has not taken such a stand before the MACT that the injuries if any sustained by the claimants are not on account of the accident involving KSRTC busses, this shows that the KSRTC has admitted the claims of the injured persons and their L.Rs who were travelling in the said bus as passengers and now it cannot contend that all those claim petitions are filed only on the basis of

the false documents issued colluding with the respective Medical Officers, Advocates and the Police Officers. If the MACT found that some false claim petitions have been filed on the basis of the false wound certificates and death certificates, then the Tribunal ought to have proceeded against the concerned persons but no such complaint has been made by the MACT u/s 340 of the Cr. P.C. nor directed the Officer of the KSRTC to file a report by holding an enquiry. Therefore, registration of complaints on the basis of the report of the Vigilance Officer of KSRTC is totally barred u/s 195 of the Cr. P.C. Therefore initiation of criminal proceedings and filing of complaint against the public servant for the offences relating to production of false and fabricated documents, after seriously contesting in the claim petitions filed by the respective claimants, injured persons and dependents of the deceased on account of the fatal injuries sustained, is incorrect and illegal especially when KSRTC has not made any application before the MACT to initiate the criminal proceedings against the persons who have issued the false documents and who have registered the false case and filed the claim petitions on the basis of the documents but no such application has been made by the respondent and after lapse of three years a complaint came to be filed u/s 195 of the Cr. P.C. The records indicate that Dr. Tulsiram as well as Dr. Nagalakshmamma were examined before the MACT and the Trial Court by relying on the evidence of the experts and witnesses passed the judgment and award in favour of the claimants. Therefore, the registration of the case in favour of the petitioners in these cases are incorrect, illegal and there is abuse of process of law.

21. As far as the petitioners in Cri. P. No. 3415 of 2007 are concerned, they are practicing Advocates. 1st petitioner is a responsible District Government Advocate, who filed the claim petition on the basis of the wound certificate issued by the doctors and the 2nd petitioner was not yet at all enrolled as an Advocate as on the date of filing of the claim petition. No iota of evidence has been placed on record to show that they have colluded with the Medical Officer and the Police Officers and secured the fabricated wound certificates and filed the claim petitions on behalf of the claimants. Therefore, there is abuse of process of law in registering the complaint and proceeding with the investigation. The decisions referred to by the learned Counsel for the petitioners in all these cases are fairly applicable to the facts of the case.

The exorbitant delay of 3 years in filing the complaint has not been explained by the complainant/KSRTC and the SHO cannot sit over the Presiding Officer of the MACT and hold that the judgment passed by the Tribunal is on the basis of the false and concocted documents. There is an abuse of the process of law in registration of the cases against the Medical Officers and the Advocates who are doing their noble profession and also the law enforcing authorities. Therefore, all these five criminal petitions are to be allowed by quashing the proceedings initiated in Cri. Nos. 416, 417 and 196 of 2006 of Ulsoor Gate Police Station against the petitioners in Cri. P. Nos. 6039 and 6040 of 2006, 2289 and 1741 of 2007 as well as Crime No. 81 of 2007 of Gandhinagar Police Station, Bellary,

against the petitioners in Cri. P. No. 3415 of 2007.

22. Accordingly, all these petitions are allowed. The criminal proceedings initiated against the petitioners in the impugned orders under challenge are hereby quashed.