



CNR: KAHC010001042020

NC: 2026:KHC:49824  
CRL.P No. 512 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11<sup>TH</sup> DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.512 OF 2020

BETWEEN:

1. ROBERT BRUCE CHELAPPAN  
S/O CHELLAPPAN  
AGED ABOUT 64 YEARS  
R/AT NO.5, WHITES ROAD  
RAYAPETTA, CHENNAI  
TAMIL NADU -600014.

PETITIONER NO.1 DELETED,  
VIDE ORDER DATED 04.06.2025

2. VINCENT PALANNA  
S/O JOHN PRABHAKAR PALANNA  
AGED ABOUT 39 YEARS  
R/AT SAWDAY HOUSE  
SIDDAPPA SQUARE  
MYSURU CITY-570002

3. PUSHAPARAJ  
S/O REV. G GURUSHANTHA,  
AGED ABOUT 61 YEARS  
R/AT 6<sup>TH</sup> FLOOR, UNITY BUILDING  
BENGALURU-560001

4. MOHAN MARORAJ S/O SUNDAR RAJ  
AGED ABOUT 59 YEARS  
R/AT BALMATTA, MANGALORE-575002

...PETITIONERS

(BY SRI NAVEEN J N, ADVOCATE FOR P2 TO P4;  
V/O DT.04.06.2025, P1 IS DELETED)

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA  
BY DODDAPETE POLICE STATION  
REP. BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BANGALORE-560001
2. SHRI THYAGARJ S/O B LUKAS  
AGED ABOUT 74 YEARS  
R/AT ASHOKNAGAR, SHIVAMOGGA  
SHIVAMOGGA DISTRICT

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;  
SRI RUDRAPPA P, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO ALLOW THE PETITION AND QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1937/2019(CRIME NO.185/2019) REGISTERED BY THE RESPONDENT POLICE ON THE FILE OF THE 2<sup>ND</sup> JMFC COURT, SHIVAMOGGA, FOR THE OFFENCE P/U/S.506,507 R/W SEC.34 OF IPC VIDE ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

**ORAL ORDER**

This petition is filed praying this Court to quash the entire proceedings in C.C.No.1937/2019 on the file of II JMFC Court, Shivamogga for the offences punishable under Sections 506 and 507 read with Section 34 of IPC.



2. This matter is listed for admission. Heard the learned counsel appearing for the respective parties.

3. The material discloses that PCR was filed in PCR No.234/2019 invoking the offences under Sections 419, 420, 120(B), 465, 471, 506(2) read with Section 34 of IPC. The matter was referred to the police under Section 156(3) of Cr.P.C to investigate the same and the police have investigated the matter and filed the charge sheet. While filing the charge sheet, the police have invoked only the offences under Sections 506, 507 read with 34 of IPC. The Trial Court perusing the material comes to the conclusion that there are sufficient materials to proceed with the case and hence, cognizance was taken against accused Nos.1 to 4. Now, accused Nos.2 to 4 are before this Court.

4. The main contention of the counsel for the petitioners is that having perused the final charge sheet, it discloses that in column No. 9, the name of the IO is mentioned as Itrath Ali Baig, HC No.545. The counsel also contend that in column No.14 of the charge sheet i.e., particulars of witnesses to be examined, it is cited CW1 to CW6 as witnesses. CW6 is



Itrath Ali Baig i.e., the IO who conducted the investigation and the very same Itrath Ali Baig is not the competent officer to conduct the investigation. The counsel also brought to notice of this Court that, this Court while granting the interim relief directed to keep the IO present before the Court and thereafter, this Court having taken note of the fact that the investigation who done by the official was not an officer in charge of the police station. Hence, stayed the proceedings.

5. The counsel appearing for the respective respondents also in their arguments not disputes the fact that investigation was conducted by HC-545. In column Nos.9 as well as 14 of the final charge sheet the very same name of HC-545 is found.

6. Having heard the learned counsel appearing for the respective parties and also considering the material on record, it discloses that though several offences were invoked in the private complaint, but in the charge sheet, only the offences under Sections 506 and 507 of IPC were invoked and investigation is conducted by HC-545 and he is not the Station House Officer and also not a competent person to investigate



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the matter. When the investigation is carried out not by a competent officer, the question of prosecuting the petitioners does not arise. Hence, the petitioners have made out the grounds to quash the proceedings.

7. In view of the discussions made above, I pass the following:

**ORDER**

The petition is allowed.

The entire proceedings in C.C.No.1937/2019 (Cr.No.185/2019) against the petitioners herein before the II JMFC Court, Shivamogga is quashed.

Sd/-  
**(H.P.SANDESH)**  
**JUDGE**

SN