



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

**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 RAJESH RAI K**

**CRIMINAL PETITION NO. 328 OF 2024**

**BETWEEN:**

1. SRI. NANJUNDAIAH N  
S/O LATE NANJUNDAIAH  
AGED ABOUT 64 YEARS,  
RESIDING AT NO 6 PINCHU  
AGRAMORE LAYOUT,  
ATTIGUPPE, VIJAYNAGAR,  
BENGALURU – 560 040
2. SMT. GANGAMMA  
W/O LATE CHANDRASHEKARIAH  
AGED ABOUT 60 YEARS,  
RESIDING AT NO 1051,  
3<sup>RD</sup> CROSS, 3<sup>RD</sup> STAGE,  
RAJARAJESHWARI NAGAR,  
BENGALURU – 560 098
3. SMT. GANGARAJAMMA  
W/O NANJUNDAIAH  
AGED ABOUT 55 YEARS,  
RESIDING AT NO 1051,  
3<sup>RD</sup> CROSS, 3<sup>RD</sup> STAGE,  
RAJARAJESHWARI NAGAR,  
BENGALURU – 560 098
4. SMT. ROOPA  
W/O JAGADEESH KUMAR.J.C  
AGED ABOUT 30 YEARS,  
RESIDING AT NO 1051,

Digitally signed  
by PANKAJA S  
Location: HIGH  
COURT OF  
KARNATAKA



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

3<sup>RD</sup> CROSS, 3<sup>RD</sup> STAGE,  
RAJARAJESHWARI NAGAR,  
BENGALURU – 560 098.

5. SMT. RASHMI  
W/O MAHENDRA  
AGED ABOUT 28 YEARS,  
RESIDING AT NO 221,  
AMMA IDEAL HOMES,  
G ROAD, 44 MAIN, BEHIND 1<sup>ST</sup> CROSS,  
INTERNATIONAL SCHOOL,  
RAJARAJESHWARI NAGAR,  
BENGALURU – 560 098.

6. SMT. NAGARATHNA  
W/O ANNADA  
AGED ABOUT 41 YEARS,  
RESIDING AT NO 17/B, 4TH MAIN,  
1<sup>ST</sup> CROSS, H.V.R LAYOUT,  
MAGADI MAIN ROAD  
BENGALURU.

...PETITIONERS

(BY SRI. KAUSTUBH JAGIRDAR, ADVOCATE FOR  
MS. JAYASREE NARASIMHAN.,ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY STATION HOUSE OFFICER,  
RAJARAJESHWARI P S  
RAJARAJESHWARI NAGAR  
REP BY ITS SPP  
HIGH COURT OF KARNATAKA  
BENGALURU - 560 001.

2. SRI. CHANDRAIAH N  
S/O LATE K N NANJUNDAIAH  
AGED ABOUT 64 YEARS,  
RETIRED ASSISTANT  
COMMISSIONER OF POLICE



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

RESIDING AT NO 343-D,  
17<sup>TH</sup> CROSS, IDEAL HOME,  
RAJARAJESHWARI NAGAR,  
BENGALURU 560098

...RESPONDENTS

(BY SRI. MAHESH.P, HCGP;  
SRI. MANJUNATH.B.R, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 07.09.2022 PASSED BY THE 46TH ADDL.C.M.M., BENGALURU THEREBY REJECTING THE B REPORT FILED BY THE RESPONDENT NO.1 AND TAKING COGNIZANCE OF OFFENCE P/U/S 120B, 417 AND 380 R/W 34 OF IPC IN CR.NO.10/2014 AND CONSEQUENT PROCEEDINGS IN C.C.NO.35416/2022, PENDING BEFORE 46TH ADDL.C.M.M., BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

**ORAL ORDER**

This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioners/accused Nos.2 to 7 in C.C No.35416/2022 (arising out of Crime No.10/2014 registered by Rajarajeshwari Nagara Police Station) for the offences punishable under sections 120B, 417, 380 r/w Section 34 of IPC, pending on the file XLVI Additional Chief Metropolitan Magistrate, Bengaluru (for short, 'the learned Magistrate')



CNR: KAHC010010212024

**NC: 2026:KHC:49694  
CRL.P No. 328 of 2024**

2. The brief facts of the case are that respondent No.2-complainant lodged a complaint before respondent No.1-Police on 16.01.2014 alleging that he was working as a Sub-Inspector at Vijayanagara Police Station and petitioner No.1-accused No.2, was working as an RTO Inspector. Accordingly, they were known to each other and their respective families had also become closely acquainted.

3. It is alleged that the first wife of respondent No.2, namely Smt. Vimala, fell ill after the birth of their second child and was residing in her native village. During the said period, the family of petitioner No.1 assisted respondent No.2 in bringing up his two sons, particularly the younger son. Subsequently, his first wife passed away on 05.06.2002. Thereafter, petitioner No.1 introduced respondent No.2 to one Meena i.e. accused No.1, and informed him that her husband had been missing since 26.08.1998. Subsequently, respondent No.2, along with his two sons, and accused No.1-Meena and her daughter born through her earlier marriage, started residing together and thereafter, respondent No.2 and accused No.1 got married on 30.11.2003.



CNR: KAHC010010212024

**NC: 2026:KHC:49694**  
**CRL.P No. 328 of 2024**

4. It is further alleged that the marital relationship between respondent No.2 and accused No.1 was cordial for some time. Subsequently, respondent No.2 allegedly subjected accused No.1 to physical and mental harassment and eventually drove her out of the matrimonial home. Consequently, accused No.1 lodged a complaint before Rajarajeshwari Nagar Police Station on 07.06.2013, based on which Crime No.145/2013 came to be registered against respondent No.2 for the offences punishable under Sections 498A and 506 of IPC, and a charge sheet was subsequently filed by the respondent No.1-Police.

5. During the pendency of the said proceedings, respondent No.2 lodged the present complaint on 16.01.2014, alleging that accused No.1, in collusion with the other accused persons, had suppressed her earlier marriage and married respondent No.2 during the subsistence of her first marriage. It was further alleged that accused No.1-Meena, in collusion with the other accused persons, had committed theft of cash amounting to Rs.15,00,000/- and gold and silver ornaments from the house of respondent No.2. Based on the said



CNR: KAHC010010212024

**NC: 2026:KHC:49694  
CRL.P No. 328 of 2024**

complaint, respondent No.1-Police registered Crime No.10/2014 against accused No.1-Meena and the petitioners for the offences punishable under Sections 120B, 420 and 506 r/w Section 34 of IPC.

6. After investigation, respondent No.1-Police filed a 'B' report before the learned Magistrate stating that the allegations made in the complaint were not substantiated. Respondent No.2 challenged the said 'B' report by filing a protest petition and examined himself as CW.1 before the learned Magistrate, besides producing documents marked as Exs.P1 to P12.

7. Upon considering the said material and hearing both sides, the learned Magistrate rejected the 'B' report and took cognizance of the offences punishable under Sections 120B, 417 and 380 r/w Section 34 of IPC against the petitioners and accused No.1. Aggrieved by the said order, the petitioners have preferred the present petition seeking quashing of the proceedings.



CNR: KAHC010010212024

**NC: 2026:KHC:49694  
CRL.P No. 328 of 2024**

8. Heard the learned counsel for the petitioners, learned counsel for respondent No.2 so also learned HCGP.

9. Apart from urging several contentions, learned counsel for the petitioners primarily contended that, on perusal of the entire charge-sheet materials, it is evident that respondent No.2, a retired ACP, has lodged the complaint against the petitioners with an oblique motive and for extraneous reasons.

10. According to learned counsel, respondent No.2 was well aware of the earlier marriage of accused No.1, particularly the fact that her first husband had been missing since 1998. Despite having knowledge of the said fact, respondent No.2 married accused No.1 and subsequently subjected her to physical and mental harassment and drove her out of the matrimonial home. Consequently, accused No.1 lodged a complaint against respondent No.2, based on which the police registered a case and, after investigation, filed a charge sheet against him, which is presently pending consideration.



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

11. It is further contended that, as a counterblast to the said proceedings and with a view to wreak vengeance, respondent No.2 lodged the present complaint making false allegations that accused No.1 colluding with the petitioners had committed theft of Rs.15,00,000/- in cash and gold and silver ornaments from his house. It is further contended that the 'B' report filed by the police, after investigation, clearly discloses that no such incident had taken place and that respondent No.2 had not lodged any complaint immediately after the alleged occurrence.

12. It is therefore contended that the learned Magistrate, without properly appreciating the aforesaid circumstances and the material collected during investigation, mechanically rejected the 'B' report solely on the basis of the evidence of respondent No.2. Hence, he prays to allow the petition and quash the proceedings against the petitioners.

13. *Per contra*, learned counsel for respondent No.2 vehemently opposed the petition. According to him, after the filing of the 'B' report, respondent No.2 challenged the same by filing a protest petition before the learned Magistrate. In



CNR: KAHC010010212024

**NC: 2026:KHC:49694  
CRL.P No. 328 of 2024**

support of the allegations, respondent No.2 examined himself as CW.1 and produced documents marked as Exs.P1 to P12.

14. It is further contended that the evidence of respondent No.2 and the documents produced by him clearly disclose the involvement of accused No.1 and the petitioners in the offences alleged in the charge sheet. It is further contended that the police, without conducting a proper investigation and at the instance of accused No.1, mechanically filed the 'B' report. Hence, he submits that the learned Magistrate was justified in rejecting the 'B' report and taking cognizance of the offences. Accordingly, he prays for dismissal of the petition.

15. Learned HCGP for respondent No.1-state opposed the prayer of the petitioners and prays to dismiss the petition.

16. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire materials placed before the Court.

17. As could be gathered from records, admittedly, respondent No.2-complainant married accused No.1-Meena in



**CNR: KAHC010010212024**

**NC: 2026:KHC:49694  
CRL.P No. 328 of 2024**

the year 2003, with full knowledge that her first marriage had been solemnized with one Nagaraj, who had been missing since 1998. Thereafter, respondent No.2 and accused No.1 resided together for nearly ten years. During the said period, no allegation was made by respondent No.2 against accused No.1 that she had suppressed her earlier marriage.

18. The present complaint came to be lodged only after accused No.1 had instituted a complaint against respondent No.2 for the offences punishable under Sections 498A and 506 of IPC. The records further disclose that, pursuant to the said complaint, the jurisdictional police conducted investigation and laid a charge sheet against respondent No.2, which is presently pending consideration.

19. Further, on perusal of the 'B' report submitted by the police, it is evident that the complaint lodged by respondent No.2 does not disclose any specific date or time when the alleged theft of cash and ornaments took place. Further, respondent No.2 had not lodged the complaint immediately after the alleged occurrence. The 'B' report also records that



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

the present complaint came to be lodged by respondent No.2 as a counterblast to the complaint instituted by accused No.1.

20. So far as the present petitioners are concerned, they are stated to be distant relatives of accused No.1 and were admittedly not residing along with respondent No.2 and accused No.1. There is also no material placed on record connecting the petitioners with the alleged incident of theft or the other offences alleged against them. Viewed in the backdrop of the aforesaid circumstances and the material available on record, the allegations against the petitioners do not inspire confidence and the proceedings initiated against them appear to be a consequence of the matrimonial dispute between respondent No.2 and accused No.1.

21. In such circumstances, the complaint averments on face of it reveals that the same is filed out of vengeance. The Hon'ble Apex Court in the case of **MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488** in paragraph No.11 to 14 held as under:

*"11. The entire case put up by the first informant on the face of it appears to be concocted and*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-*

*"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

*(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*

*(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

*(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*

*(7) Where a criminal proceeding is manifestly attended with mala fide and/or*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.” We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).*

*12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.*

*The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-*

*"5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.*

*6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)*

*(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;*

*(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.*

*7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and*



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

*should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)*

*14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."*

22. Further, on careful examination of the evidence of respondent No.2, it is evident that he has merely reiterated the contents of his complaint. No new material or specific allegation has been brought on record in his evidence beyond what was already stated in the original complaint. This material aspect has not been properly considered by the learned Magistrate,



CNR: KAHC010010212024

NC: 2026:KHC:49694  
CRL.P No. 328 of 2024

who proceeded to mechanically reject the 'B' report and take cognizance of the alleged offences.

23. In view of the aforesaid circumstances, the order passed by the learned Magistrate warrants interference. Moreover, on a careful consideration of the allegations contained in the complaint and the evidence of respondent No.2 recorded before the learned Magistrate, no prima facie case is made out against the petitioners for the offences alleged against them. Therefore, continuation of the proceedings against the petitioners/accused Nos.2 to 7 would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

### **ORDER**

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.2 to 7 in C.C No.35416/2022 (arising out of Crime No.10/2014 of Rajarajeshwari Nagara Police Station), for the offences punishable under sections 120B, 417, 380 r/w Section 34 of IPC, presently



CNR: KAHC010010212024

**NC: 2026:KHC:49694  
CRL.P No. 328 of 2024**

pending on the file of XLVI Additional  
Chief Metropolitan Magistrate,  
Bengaluru, is hereby quashed.

iii. However, it is made clear that the  
proceedings shall continue against  
accused No.1.

**SD/-  
(RAJESH RAI K)  
JUDGE**

CR  
List No.: 1 Sl No.: 14