



CNR: KAHC010017992020

NC: 2026:KHC:51058
CRL.P No. 353 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 353 OF 2020 (482(Cr.PC) /
528(BNSS))

BETWEEN:

BABU @ BUILDER BABU
S/O. MUNISWAMY,
NO. 204, MS ENCLAVE 26,
LINK ROAD, 5TH CROSS,
KODIHALLI OLD AIRPORT ROAD,
BANGALORE - 560 017.

...PETITIONER

(BY SRI. K. DIWAKARA SENIOR COUNSEL FOR
SRI. HITESH GOWDA B.J.,ADVOCATE)

Digitally signed
by DEVIKA M

Location HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA
SARJAPUR POLICE STATION,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT,
BENGALURU - 560 001.
2. SMT. ASHA
W/O. LATE. PRASANNA KUMAR,
AGED ABOUT 27 YEARS,
NO. 4, SRINIVAS REDDY BUILDING,
NEAR OM SHAKTI TEMPLE,
DOMMASANDRA VILLAGE,
SARJAPUR HOBLI,
ANEKAL TALUK,



CNR: KAHC010017992020

NC: 2026:KHC:51058
CRL.P No. 353 of 2020

BANGALORE RURAL DISTRICT - 562 125.

...RESPONDENTS

(BY SRI. M. DIWAKAR MADDUR, HCGP FOR R1)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR (ANNEXURE-A) COMPLAINT (ANNEXURE-B) AND STOP FURTHER INVESTIGATION SO REGISTERED BY THE RESPONDENT NO.1 THAT IS SARJAPUR POLICE IN CR.NO.266/2016 AGAINST THE PETITIONER ARRAIGNED AS ACCUSED NO.1 FOR THE OFFENCE P/U/S.363,343,306,506 OF IPC 1860 PENDING ON THE FILE OF THE BEFORE THE HONBLE PRINCIPAL CIVIL JUDGE (SR.Dn.) AND CJM AT ANEKAL, BENGALURU RURAL DISTRICT.

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

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

ORAL ORDER

Heard learned counsel appearing for the petitioner and learned HCGP appearing for the respondent No.1-State.

2. The prayer sought in the petition is to quash the FIR as per Annexure-A and the complaint as per Annexure-B in Crime No.266/2016 and to stop further investigation against the petitioner who is arraigned as accused No.1, invoking the offence punishable under Sections 363, 343, 506, 306, 506 of



IPC, pending on the file of Principal Civil Judge (Sr.Dn) and CJM at Anekal, Bangalore Rural District.

3. Learned counsel appearing to the petitioner would submit that allegations made in the complaint is dated 14.12.2016 though the said incident took place on 18.10.2016. It is alleged in the complaint that on 17.10.2016 the petitioner had kidnapped the husband of the complainant from the shop and subjected him to assault and caused the life threat in case if he demands the money and somehow he escaped from the clutches of the petitioner, reached house and recorded the said assault and threat caused by the petitioner in his Samsung Smart phone Numbers 963980952 and 9964380952. Thereafter, on the next day i.e., on 18.10.2016 he committed suicide by strangling himself. In this connection deceased brother already lodged the complaint and case was registered. Later while cleaning the house, the complainant found the mobile of his deceased husband and filed the complaint on 14.12.2026.

4. Learned counsel also brought to notice of this Court that though the complaint was given on 14.12.2016,



NC: 2026:KHC:51058
CRL.P No. 353 of 2020

Police Notice was given on 30.11.2019 as per Annexure-C, wherein also the contents of the FIR was repeated again. It is contended that in view of the registration of the case, an application for anticipatory bail was filed and trial Court while granting the anticipatory bail has taken note of the contents of the post mortem report, wherein it has stated that the death of the deceased was due to Asphyxia as a result of hanging. The first information report was registered in the year 2016 and notice was given in the year 2019 and even in the meanwhile when the notice was given to the informant, no cooperation was made and it does not attract Section 306 of IPC. Though other offences are invoked, nothing is found and Trial Court has granted the bail. Learned counsel also vehemently contended that when the allegation was made in the complaint regarding discovering the recordings in the mobile phone, nothing is done from the year 2016 to 2019, except issuance of notice and no material is collected in this regard. Then the question of continuing the proceedings against the petitioner does not arise.



5. Per contra, learned HCGP appearing for the respondent No.1-State would submit that the Investigation Officer could not investigate the matter since there was a stay of the order passed by this Court in the year 2020. The counsel would contend that in view of the stay, the Investigation Officer could not proceed further.

6. Heard the learned counsel appearing for the petitioner and learned HCGP appearing for the respondent No.1-State and also perused the materials on record. The incident was taken place on 18.10.2016. It is also important to note that the complaint was given on 14.12.2016 that is after lapse of 2 months from the date of the incident. It is also important to note that though an allegation is made in the complaint that something is recorded in the mobile of the deceased, but when the same was handed over to the police, nothing is recovered and no investigation was conducted from the year 2016 to 2020. The very contention of the respondent No.1-State that stay was granted and could not investigate the matter, cannot be accepted. When the allegation of cognizable offence is made in the complaint, it ought to have been



investigated immediately. But from the observations made by the Sessions Court while granting the anticipatory bail also, it has made it clear that inspite of giving notice to the complainant, no assistance was given by them in conducting of the investigation and nothing was collected by the Investigation Officer also for a period of 4 years i.e., from 2016 to 2020 and when such being the case though invoked the offence under Sections 363, 342, 306, 506 of IPC, nothing is recovered in the case in order to continue the case in Crime No.266/2016 and in order to invoke the ingredients of the offence under Section 306 also nothing is recovered. With regard to taking the deceased and subjecting him for assault also, nothing is collected and nothing found in the Post Mortem report also. It is stated in the Post Mortem report that it is a case of Asphyxia as a result of hanging and the very complaint also discloses that it is a case of self-suicide.

7. Under the circumstances, if proceedings is continued it is nothing but an abuse of process of law and also it leads to a miscarriage of justice and hence it is a fit case to exercise the power under Section 482 of Cr.PC and nothing



CNR: KAHC010017992020

found in the contents of the complaint also. When the complaint itself does not disclose any ingredients of the offences which have been invoked, then the question of continuing the proceedings against the petitioner does not arise.

8. In view of the discussions made hereinabove, I pass the following;

ORDER

(i) Petition is **allowed**.

(ii) The FIR as per Annexure-A and the complaint as per Annexure-B initiated against the petitioner in Crime No.266/2016 for the offence punishable under Sections 363, 343, 306 and 506 of IPC, pending on the file of Principal Civil Judge (Sr.Dn) and CJM, Anekal, is quashed.

Sd/-
(H.P.SANDESH)
JUDGE