



CNR: KAHC010019822024

NC: 2026:KHC:48309
CRL.P No. 404 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 404 OF 2024

BETWEEN:

SRI H SHIVAMURTHY
AGED ABOUT 58 YEARS,
S/O V.B HUCHEGOWDA @ V.B.H GOWDA,
R/AT NO.7/2, 2ND CROSS,
SHARADA NILAYA BUILDING,
SUNDAR NAGAR, GOKULA,
BANGALORE NORTH
BENGALURU-560 054.

...PETITIONER

(BY SRI. POOJAPPA J, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY NANDINI LAYOUT P.S
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR(SPP),
HIGH COURT BUILDING,
BANGALORE-560 096.
2. SMT SOUMYA
W/O LATE DEEPAK .J

Digitally
signed by
PANKAJA S
Location:
HIGH COURT
OF
KARNATAKA



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NO. 18, 3RD FLOOR,
5TH MAIN,
LAKSHMIDEVI, NAGAR,
NANDINI LAYOUT,
BANGALORE-560 096.

...RESPONDENTS

(BY SRI. MAHESHA P, ADVOCATE FOR R1,
SRI. V. VIJAYASHEKARA GOWDA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN CR.NO.10/2023 FOR
THE ALLEGED OFFENCE P/U/S 149 AND 306 OF IPC VIDE
ANNEXURE-C PENDING BEFORE THE C.M.M BENGALURU BY
ALLOWING THIS CRL.P.

THIS PETITION, COMING ON FOR ADMISSION, 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 the FIR in Crime No.10/2023 dated 11.01.2023 filed
by the Nandini Layout Police Station for the offence punishable
under Section 306 r/w 149 of IPC, presently pending on the file
of Chief Metropolitan Magistrate Court, Bengaluru.



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2. The brief facts of the case are that, based on the complaint lodged by one Soumya, a resident of Nandini Layout, respondent No.1-Police registered an FIR against the petitioner and eight others, arraying the petitioner as accused No.1. It is alleged in the complaint that the husband of the complainant, namely, Deepak (since deceased), had availed a loan from accused Nos.2 and 3. Thereafter, accused Nos.2 and 3 obtained four signed cheques belonging to the deceased, as well as his signature on an e-stamp paper, and were allegedly harassing him for repayment of the said loan. In the meantime, the deceased had lent a sum of Rs.3.5 crores to accused No.1-petitioner. However, the petitioner allegedly failed to repay the said amount. Left with no other alternative, the deceased is stated to have committed suicide. Accordingly, the complainant lodged the complaint, on the basis of which the aforesaid FIR came to be registered. Aggrieved by the registration of the FIR and the proceedings arising therefrom, the petitioner, arrayed as accused No.1, has preferred the present petition seeking quashing of the FIR.



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3. It is contended in the petition that there is a delay of about five months in lodging the complaint and that the complainant has not produced any authentic or reliable material to substantiate her allegation that the deceased had lent a sum of Rs.3.5 crores to the petitioner - accused No.1. In the absence of such material, it is contended that the essential ingredients of the offence punishable under Section 306 of the IPC are not made out against the petitioner.

4. *Per contra*, learned counsel for respondent No.2 and the learned HCGP, jointly opposing the petition, contended that the investigation is still in progress and the police have not yet filed the charge sheet. It is further contended that the death note of the deceased, seized by the police during the course of investigation, prima facie discloses the harassment allegedly meted out to the deceased by the petitioner.

5. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the documents available on record.



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6. As could be gathered from records, the complaint was lodged by the wife of the deceased, wherein she categorically stated that the deceased had lent a sum of Rs.3.5 crores to the petitioner, who failed to repay the said amount. Consequently, the deceased was unable to discharge the loan liability incurred by him from others.

7. As stated by the learned HCGP, on instructions, the aforesaid aspect is also forthcoming from the death note seized by the police. Moreover, the matter is at a nascent stage, and the investigation has not progressed beyond the preliminary steps taken immediately after registration of the case. The relevant evidence is yet to be collected upon a thorough investigation and placed before the Court. At this stage, this Court cannot anticipate the outcome of the investigation or record a finding on the allegation of false implication or mala fides merely on the basis of the defence raised by the petitioner. Therefore, the complaint cannot be thrown out at the threshold on the basis of an unsubstantiated defence. In the case on hand, the complaint and the material collected thus far prima facie disclose the commission of a cognizable offence



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against the petitioner. Hence, at this stage, the FIR does not warrant interference by this Court.

8. Accordingly, the petition lacks merits, the same is ***dismissed.***

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

CR
List No.: 1 Sl No.: 43