



CNR: KAHC010035552024

NC: 2026:KHC:51953
CRL.P No. 666 of 2024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 666 OF 2024**

BETWEEN:

N JAGADEESHBABU
S/O LATE NARAYANARAO
AGE ABOUT 64 YEARS,
R/AT GADIMINCHANAHALLI,
SADALI HOBLI, SIDLAGHATTA TALUK
CHIKKABALLAPURA DISTRICT - 562 104

...PETITIONER

(BY SRI. K.N. NITISH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY PSI
DIBBURAHALLI POLICE STATION,
SIDLAGHATTA, CHIKKABALLAPUR - 562105
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA BUILDING
BANGALORE - 560001

2. SRI M .R. ANANTH
S/O M.K RAMACHANDRACHAR
AGED ABOUT 67 YEARS
NO 04, 1ST CROSS,
VISHVESHARAIHA ROAD,
BYTARAYANPURA, BENGALURU - 560092

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2-SERVED, UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.PC PRAYING TO
ALLOW THE PETITION AND SET ASIDE THE ORDER DATED
10.08.2023 AT ANNEXURE-A IN CRL.RP.NO.55/2020 PASSED

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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BY THE LEARNED II ADDL.DISTRICT AND SESSIONS JUDGE AT
CHIKKABALLAPURA SITTING AT CHINTHAMANI.

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 set-aside the order dated 10.08.2023 passed in Criminal Revision Petition No.55/2020 by the learned II Additional District & Sessions Judge, Chikkaballapura, sitting at Chintamani (for brevity, "the Sessions Court"), whereby the Sessions Court allowed the revision petition filed by the respondent - accused and set aside the order dated 15.06.2020 passed by the learned Additional Civil Judge & JMFC., Sidlaghatta (for brevity, "the learned Magistrate"), referring the complaint i.e., PCR.No.39/2020 filed under Section 200 of Cr.P.C. by the petitioner herein to the jurisdictional police under Section 156(3) of Cr.P.C. for investigation.

2. The factual matrix of the case is that the petitioner herein filed a private complaint in PCR No.39/2020 against the 2nd respondent herein alleging that he had borrowed Rs.3,00,000/- from the 2nd respondent - accused and could not



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repay the said amount within time. The respondent - accused taking advantage of the same executed an Agreement of Sale in respect of property bearing house list No.755 measuring 24 x 30 feet situated at Sadali Village, Sidlaghatta Taluk and property bearing No.56 measuring 30 x 37 feet situated at Gadiminchannahalli Village, Sidlaghatta Taluk. According to the petitioner, on 18.11.2019 the accused took the signature on an Agreement of Sale and a Power of Attorney and subsequently, on 29.11.2019, accused threatened the petitioner to register the Agreement of Sale and Power of Attorney and finally, on 30.11.2019, he forcibly got registered the Agreement of Sale and Power of Attorney mentioning a sum of Rs.16,50,000/- as the sale consideration. Apart from the same, accused had also taken four blank cheques bearing Nos.728744, 728745, 728746 and 728747. However, accused had not paid the said amount to complainant. Later, accused started demanding Rs.10,00,000/- for cancellation of the said Agreement of Sale. As such, the petitioner filed a suit in OS.No.90/2020 seeking relief of permanent injunction and obtained temporary injunction on 13.03.2020 restraining the accused from alienating the aforesaid properties. As such, since the accused



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started to threaten the petitioner, he filed a private complaint under Section 200 of Cr.P.C. in PCR.No.39/2020. Based on the same, the learned Magistrate referred the same to the jurisdictional police under Section 156(3) of Cr.P.C for investigation vide order dated 15.06.2020. Accordingly, the jurisdictional police registered FIR against the respondent - accused in Crime No.81/2021. Aggrieved by the same, the respondent - accused filed CrI.R.P.No.55/2020. The Sessions Court allowed the said revision petition by setting aside the order dated 15.06.2020 and further proceedings arising out of PCR.No.39/2020. Challenging the same, the petitioner - complainant is before this Court in the present petition.

3. Heard the learned counsel for the petitioner and the learned HCGP. Despite service of notice, respondent No.2 - accused remained unrepresented

4. Learned counsel for the petitioner would contend that the Sessions Court while setting aside the order passed by the learned Magistrate, primarily relied on the contention of the accused - respondent's counsel that the complaint is not supported by the affidavit, which is a pre-requisites for referring the matter under Section 156(3) of Cr.P.C. as per the



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judgment in the case of ***M/S.PRIYANKA SRIVASTAVA & ANOTHER VS. STATE OF UTTAR PRADESH & OTHERS*** in ***Crl.Appeal No.781/2012***. However, according to learned counsel for the petitioner, such an affidavit was filed before the learned Magistrate while filing the private complaint. A copy of the private complaint and the affidavit filed along with it are produced before this Court by filing a memo dated 21.09.2026. In the affidavit, it is stated that the petitioner complainant approached the police initially and since the police have failed to register any complaint, he was forced to approach the learned Magistrate by filing PCR. The said aspect of the matter was totally misread by the Sessions Court, based on which, the Sessions Court set aside the order referring the matter to the police for investigation under Section 156(3) of Cr.P.C. As regards the finding that to a civil dispute, a criminal colour had been given by the petitioner, it is contended by the learned counsel that it is a matter of investigation. Accordingly, he prays to allow the petition.

5. Learned High Court Government Pleader opposed the prayer in the petition.



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6. The Sessions Court, while passing the impugned order has observed as under:

"In this case, no such affidavit is filed, there is nothing on record to indicate that the complainant had approached the jurisdictional police with his grievance. So, the order of referring the complaint for investigation under Section 156(3) of Cr.P.C. is not in accordance with the directions issued by the Hon'ble Supreme Court of India."

7. As such, it is clear that the Sessions Court, has set aside the order passed by the learned Magistrate, principally on the ground that the complainant had not approached the jurisdictional police with his grievance and has not filed any affidavit to that effect. However, on perusal of the copy of the private complaint and the affidavit placed by the learned counsel for the petitioner, it is clear that the complainant had approached the jurisdictional police and the said police refused to receive the complaint stating that the accused was having political support and hence, it was difficult for them to proceed against him. In such circumstances, the order passed by the Sessions Court is factually incorrect. Further, as regards the other finding of the Sessions Court that the civil suit is pending, it is a matter for investigation, as rightly contended by the learned counsel for the petitioner. In such circumstances, the



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order passed by the Sessions Court is untenable. Accordingly, I pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The impugned order dated 10.08.2023 passed by the Sessions Court in CrI.R.P.No.55/2020 is set-aside.
- iii. The matter is remitted to the learned Magistrate for fresh consideration from the stage where it was.
- iv. Since respondent No.1-police have already registered the FIR in Crime No.81/2021, they are directed to investigate the case in accordance with law.

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

HKV
List No.: 1 Sl No.: 23