



CNR: KAHC010067582020

NC: 2026:KHC:50066
CRL.P No. 1904 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 1904 OF 2020

BETWEEN:

1. SRI PATHA PETTALU MOHAN
S/O RANGARAJU,
AGED ABOUT 52 YEARS,
R/AT NO.47/64, 12TH 'A' CROSS,
VYALIKAVALLI, MALLESHWARAM,
BENGALURU-560032
2. SRI BALAKRISHNA
S/O BYLAPPA,
AGED ABOUT 46 YEARS,
R/AT NO.611, 8TH MAIN,
8TH CROSS, K N EXTENSION,
YESHWANTHPURA, BENGALURU-560022
3. SRI D NAGARAJ
S/O DASAPPA,
AGED ABOUT 57 YEARS,
R/AT NO.8/2, 11TH CROSS,
MALLATHAHALLI, 9TH BLOCK,
M V LAYOUT, BENGALURU-560056

...PETITIONERS

(BY SRI. NANDA KUMAR B L., ADVOCATE)

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SR. PUBLIC PROSECUTOR,
BY MAGADI ROAD POLICE STATION,
BANGALORE
HIGH COURT OF KARNATAKA,
BENGALURU-560001
2. SRI MANJUNATH K N
S/O SRI NARAYANA REDDY,
AGED ABOUT 46 YEARS,
R/AT NO.24,
KURUDUSONENAHALLI,
KODUGENAHALLI,
BENGALURU.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. K. CHANDRANATH ARIGA, ADV., 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 QUASH, ANNEXURE-A CHARGE SHEET AND THE PROCEEDINGS PENDING BEFORE THE IV ADDL.C.M.M., BENGALURU IN C.C.NO.19865/2018 AND ALSO IN CR.NO.21/2017 MORE SPECIFICALLY AS AGAINST THE PETITIONERS, IN TAKING THE COGNIZANCE DATED 29.06.2018 FOR THE ALLEGED OFFENCES P/U/S 406,420 AND 120(B) OF IPC.

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

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



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ORAL ORDER

This petition is filed seeking quashing of the charge sheet filed by the Magadi Road Police, Bengaluru before the Hon'ble IV Additional Chief Metropolitan Magistrate at Bengaluru in C.C.No.19865/2018 dated 12.02.2018, insofar as it relates to the offences punishable under Sections 406, 420, 120(B) of Indian Penal Code as against the petitioner Nos.1, 2 and 3.

2. Heard learned counsel for the petitioners and also learned counsel appearing for the respondent.

3. This petition is filed praying to quash the proceedings initiated against the petitioners who have been arraigned as accused Nos. 5, 7 and 10 initiated by respondent No.2.

4. The allegation in the charge sheet against these petitioners and the other accused persons is that complainant running M/s Nanjundeshwara Cable Networks and accused No.1 to 9, who were working as Directors of All Digital Networks India Ltd. received a sum of Rs.3,00,000/- from the complainant in the month of February, 2013 promising to



provide a cable connection. It is further alleged that, thereafter they closed the company with an intention to cheat the complainant. Based on the said complaint, a case was registered, the matter was investigated, and the charge sheet was subsequently filed.

5. The learned counsel appearing for the petitioners would vehemently contend that the transaction in question is purely civil in nature and that the same has been given a criminal colour. Learned counsel would further contend that the petitioners had retired from the directorship of the company in the year 2015 itself. In support of the said contention, a document namely, the letter of resignation, which was accepted on 20.11.2015, has been produced before this Court. Hence, it is concerned that the petitioner cannot be subjected to criminal prosecution in respect of the alleged transaction, particularly when he had ceased to be a Director of the company in the year 2015 itself. It is further contended that the complaint was lodged subsequently and, therefore, continuation of the criminal proceedings against the petitioners would not arise.



6. Per contra, the learned counsel appearing for respondent No.2 would contend that the transaction took place in the year 2013 and would not dispute the fact that the amount was received by the petitioner/company. It is further contended that when the cheque was issued towards repayment of the said amount, the same was dishonoured. Learned counsel would submit that there is a specific allegation that, at the inception of the transaction itself, the amount was received with an intention to cheat, and that the cable connection, which was promised, was not provided. Hence, it is contended that the allegations give rise to triable issues and the matter requires consideration during trial. Therefore, the learned counsel would submit that this is not a fit case for excise of the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

7. The learned counsel appearing for the State would also contend that the transaction in question took place in the year 2013 and that the amount was received during the same year. It is further contended that the petitioner's resignation from the directorship of the company was subsequent to the



said transaction, having taken place only in the year 2015. Hence, the subsequent resignation of the petitioner as a Director cannot, at this stage, be taken into consideration for quashing the criminal proceedings under Section 482 of the Code of Criminal Procedure. cannot be considered in a petition under Section 482 of Cr.P.C.

8. Having heard learned counsel for the petitioner and also the learned counsel appearing for the respondent -State as well as learned counsel appearing for the complainant-respondent No.2.

9. Having considered the submissions of the learned counsel for the parties and perused the material on record, it is evident that specific allegations are made in the charge sheet that an amount of Rs.3,00,000/- was received from the complainant, but despite receipt of the said amount, no cable connection was provided. There is also a specific allegation that, at the inception of the transaction itself, the accused had no intention of providing the cable connection and had received the amount with an intention to cheat. It is further alleged that the company was subsequently closed having received the



money and the same is also a matter of trial whether having any intention as to deceit.

10. No doubt, the learned counsel appearing for the petitioners has brought to the notice of this Court that the petitioners had retired from the directorship of the company in the year 2015. However, when specific allegations are made in the charge sheet attracting Sections 420, 406 and 120B of the IPC, particularly the allegation that, at the inception of the transaction, the accused had an intention to cheat and, with such intention, collected the amount without providing the cable connection, the mere fact that the petitioners subsequently retired from the directorship of the company cannot, by itself, be a ground to quash the proceedings.

11. The petitioners are arrayed as accused Nos.5, 7 and 10, and it is not in dispute that they were Directors of the company as on the date of the alleged transaction. When such being the case, the defence now urged by the petitioners regarding their subsequent retirement from the directorship cannot be considered in a petition under Section 482 of the Cr.P.C. The said contention involves a matter of evidence and



requires consideration during the course of trial, particularly with regard to whether the amount was collected with an intention to cheat at the inception of the transaction and whether, despite receipt of the amount, the promised cable connection was not provided.

12. These are all matters which require adjudication during the course of trial. Hence, this Court is of the considered view that no ground is made out to exercise the jurisdiction under Section 482 of the Cr.P.C. to quash the proceedings.

13. Accordingly, I pass the following:

ORDER

The petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE