



CNR: KAHC010082122020

NC: 2026:KHC:51465
CRL.P No. 2406 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 2406 OF 2020

BETWEEN:

M/S. SUNDARAM BNP PARIBAS
HOME FINANCE LTD.,
PRESENTLY KNOWN AS
M/S. SUNDARAM HOME FINANCE LTD.,
NO. 1608, FIRST FLOOR B BLOCK,
NEAR ALLAHABAD BANK,
SAHAKARA NAGAR,
YELAHANAKA HOBLI,
BANGALORE CITY - 560 102,
REP. BY BRANCH MANAGER,
SURESH KUMAR.

...PETITIONER

Digitally signed (BY SRI. HARSHA G, ADVOCATE FOR
by DEVIKA M MS. RADHA R, ADVOCATE)
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA BY
HSR LAYOUT POLICE STATION,
BANGALORE - 560 102,
REPRESENTED BY APP,
HIGH COURT OF KARNATAKA
AT BENGALURU.
2. CHANDRASHEKAR B.S,
S/O SANKAPPA



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AGED ABOUT 40 YEARS
NO. 16, KALPAVRUKSHA NILAYA,
2ND FLOOR, BHAGAVATHI LAYOUT,
NEAR BHAGAVATHI TEMPLE,
HULIMAVU, B.G. ROAD,
BANGALORE SOUTH - 560 045.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. R. SHASHIDHARA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR IN CR.NO.16/2020 BY THE RESPONDENT NO.1,
H.S.R. LAYOUT POLICE U/S 406 AND 420 R/W 34 OF IPC
PENDING ON THE FILE OF IV ADDL.C.M.M., BENGALURU,
WHICH IS PRODUCED AS ANNEXURE-A.

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 the learned counsel appearing for the
petitioner and the respondent no.2/complainant and the
learned Addl. SPP appearing for respondent no.1/State.

2. This petition is filed seeking quashing of the
proceedings initiated against the petitioner, who is a
financier and has been arrayed as accused No.3 in the



complaint. While considering the initiation of proceedings against the accused, the Court is required to examine the contents of the complaint dated 21.01.2020.

3. Having gone through the entire contents of the complaint, except for the averment that the complainant had availed financial assistance from M/s. Sundaram Home Finance Limited (hereinafter referred to as "Sundaram Finance") and that the said financier had released the amounts in parts, to the tune of Rs.8,50,000/- and Rs.25,00,000/-, in favour of the vendor of the complainant, there is no specific allegation in paragraph Nos.7 and 8 with regard to the role played by Sundaram Finance.

4. It is also not in dispute that the transaction was pursuant to a tripartite agreement. Even in paragraph No.12 of the complaint, except stating that accused Nos.1 and 2 had induced the complainant to part with the property and had made him raise a loan from the



financier, there is no specific allegation against the petitioner that he had induced the complainant or had played any role in the alleged transaction. However, Sundaram Finance has been arrayed as an accused only in the prayer portion of the complaint. Based on the said complaint, the FIR came to be registered.

5. While considering a petition seeking quashing of an FIR, this Court is required to examine the contents of the complaint. The said principle has been reiterated by the Hon'ble Apex Court in ***Dineshbhai Chandubhai Patel v. State of Gujarat***, reported in ***(2018) 3 SCC 104***. In paragraph Nos.30 and 31, the Apex Court has categorically held that if the contents of the complaint do not disclose the commission of any offence, the question of permitting the proceedings against the accused does not arise. The Court can permit the Investigating Officer to proceed with the investigation only when the complaint



discloses the necessary ingredients of the offences alleged against the accused.

6. Though offences punishable under Sections 406 and 420 of the IPC have been invoked, there is no averment in the complaint that the petitioner, who is arraigned as accused No.3 and is the financier, had induced the complainant to avail the loan. On the contrary, the allegation of inducement is specifically made against accused Nos.1 and 2. The role attributed to the petitioner is only that of a financier, who, at the instance of the complainant for purchase of the property, released the loan amount in favour of the vendor of the complainant. There is no specific allegation or material in the complaint to indicate that the petitioner had played any role in inducing the complainant to avail the loan or had any dishonest intention in that regard.

7. When the essential ingredients of the offences punishable under Sections 406 and 420 of the IPC are not



attracted against the petitioner, continuation of the proceedings against him would amount to an abuse of the process of law. Hence, this is a fit case for exercise of the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. to quash the proceedings insofar as the petitioner is concerned.

8. Though learned counsel appearing for respondent No.2/complainant and the learned HCGP appearing for respondent No.1/State would submit that the matter requires investigation, the said submission cannot be accepted for the reason that the complaint does not contain any specific averment attracting the ingredients of the offences punishable under Sections 406 and 420 of the IPC insofar as the petitioner is concerned.

9. Hence, I do not find any force in the submissions made by learned counsel appearing for respondent No.2/complainant as well as the learned HCGP appearing for respondent No.1/State.



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10. In view of the discussions made above, this Court passes the following:

ORDER

- i. Criminal Petition is allowed.
- ii. The proceedings initiated against the petitioner in Crime No.16/2020 on the file of IV Additional Chief Metropolitan Magistrate, Bengaluru is hereby quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

GJM
List No.: 1 Sl No.: 33