



CNR: KAHC010098982025

NC: 2026:KHC:49736
CRL.P No. 2243 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 2243 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

BETWEEN:

1. SRI. NANDA KUMAR N R
S/O LATE. N.V. RAMA SETTY,
AGED ABOUT 60 YEARS,
R/O HOUSE NO 266,
34TH A CROSS, 5TH MAIN,
4TH BLOCK, JAYANAGAR,
BENGALURU 560 011
2. SMT. SHANTAMMA,
W/O LATE. N.V. RAMA SETTY,
AGED ABOUT 86 YEARS,
R/O HOUSE NO 266,
34TH A CROSS, 5TH MAIN,
4TH BLOCK, JAYANAGAR,
BENGALURU - 560 011

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. ADITYA S K.,ADVOCATE)

...PETITIONERS

AND:

1. STATE OF KARNATAKA
BY THE POLICE OF JAYANAGARA PS
REP. BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001
2. SRI. MAHESH B N,
S/O LATE NARAYANAPPA,
AGED ABOUT 30 YEARS,
RESIDING AT BALLEKERE,



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DEVALAPURA HOBLI,
NAGAMANGALA TALUK, MANDYA,
KARNATAKA-571445

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
R2-SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASHING THE ENTIRE PROCEEDINGS IN C.C NO. 30638/2022 (IN CR.NO. 62/2022 OF JAYANAGARA P S) REGISTERED FOR THE OFFENCES P/U/S 420 R/W 34 OF IPC, 1860, PENDING ON THE FILE OF THE LD. II ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BENGALURU AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs;

Quash the entire proceedings in C.C.No.30638/2022 (Cr.No.62/2022 of Jayanagara PS) registered for the offences punishable under Sections 420 r/w 34 of IPC, 1860 pending on the file of the Ld. II Additional Chief Judicial Magistrate, Bengaluru in the interest of justice.

2. Respondent no.2 lodged a complaint on 12.02.2022 which came to be registered as Crime No.62/2022 by Jayanagar Police Station for offences under Section 379, 448, 323, 506 read with Section 34 of the IPC.



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It is challenging those proceedings that the petitioners are before this Court.

3. In the complaint as filed respondent No.2 - complainant had alleged that he was looking for a house for rent and he noticed an advertisement as regard to the property of the petitioners and therefore contacted the petitioners and made payment of a sum of Rs.1,20,000/- as advance by agreeing to make payment of a sum of Rs.12,000/- per month as rentals. Thereafter, respondent no.2 claims to have occupied the premises and shifted his movables namely a television, gas cylinder, gas stove, bed, chairs and godrej cupboard. He left to his native for his marriage in August 2021 and thereafter, he returned to the said premises and went back again to get his wife. When he came back with his wife he discovered that there was a different lock on the door and all the items belonging to him had been removed and it is in that background it was alleged that there was a theft of those items as also there was a failure on the part of the petitioners to refund the amounts which had been deposited by the petitioners as lease deposit. It is challenging the same, the petitioners are before this Court.



4. The learned counsel for the petitioners submits that upon investigation, a charge sheet has been laid, there is no reference of any theft of any particular item in the said charge sheet. None of the witnesses have spoken anything about the alleged theft of those items. The only aspect that has been referred to in the charge sheet is as regards the deposit Rs.1,20,000/- and insofar as that aspect is concerned, he submits that the petitioners had repaid Rs.90,000/- to respondent no.2 which he has returned back to the petitioners and on that ground, he submits that the petitioners had always been ready and willing to make payment of the entire amount deposited by respondent no.2.
5. Notice having been issued, respondent no.2 has chosen to be unrepresented, despite being served.
6. On condition of deposit of Rs.1,00,000/- this Court has stayed the proceedings.
7. The learned counsel for the petitioners today submits that he is also ready to deposit the balance of Rs.20,000/- so as to secure the rights of respondent



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no.2 since the only claim that is left is the said claim of Rs.20,000/-.

8. In that view of the matter he is permitted to deposit the said amount with the registry.
9. Learned HCGP is directed to instruct the Investigating Officer to inform respondent no.2 about the said deposit and that he would be entitled to collect the said amounts from the registry of this Court by making necessary application.
10. Considering that there is no material which has been laid in the charge sheet as regard the alleged theft and the entire amount of security deposit in terms of lease has been agreed to be deposited by the petitioners, the balance being deposited within two weeks from today, the proceedings in Crime No.68/2024 on the file of respondent – Vidhana Soudha Police pending on the file of XLI Addl. Chief Metropolitan Magistrate, Bengaluru for offence under Section 115(2), 126(2), 3(5) and 352 of Bharatiya Nyaya Sanhita, 2023 are quashed subject to deposit of the balance Rs.20,000/- which is to be made on or before 28.09.2026.



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11. Registry to verify and put up a note as regard to said deposit in the present file. If the deposit is not made by 28.09.2026, the above petition is directed to be relisted on 05.10.2026.
12. Accordingly, the petition is ***allowed***.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 21