



NC: 2026:KHC:40454
CRL.P No. 1494 of 2020

CNR: KAHC010105422020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.1494 OF 2020

BETWEEN:

1. SMT.MANJULA KUMAR
W/O KUMAR R.,
AGED ABOUT 43 YEARS,
NO.438, RK HOUSE, 9TH CROSS,
5TH MAIN, 9TH BLOCK,
VINAYAKA LAYOUT, BENGALURU CITY - 72.
2. SRI KUMAR R.,
S/O RUDRACHAR,
AGED ABOUT 47 YEARS,
NO.438, RK HOUSE, 9TH CROSS,
5TH MAIN, 9TH BLOCK,
VINAYAKA LAYOUT, BENGALURU CITY - 72.

...PETITIONERS

(BY SRI GANGADHAR K., ADVOCATE FOR
SRI HANUMANTHARAYA C H., ADVOCATE)

AND:

1. STATE BY
VIJAYANAGAR PS
REPT. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING, BANGALORE.
2. BHAGYA S.,
CEO, JANATHA SEVA
CO-OPERATIVE BANK LTD.,
NO.14, RAJATHA BHAVANA,
1ST MAIN, HAMPINAGAR,
VIJAYANAGAR, BENGALURU CITY - 560 104.

...RESPONDENTS

(BY SRI SURYA MUKUNDARAJ L., ADDL.SPP FOR R1;
SRI KV LOKESH, ADVOCATE FOR R2 (AB))

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE FIR AND THE COMPLAINT DATED 30.01.2020 IN CR.NO.25/2020 OF VIJAYANAGAR P.S., NOW PENDING ON THE FILE OF THE IV A.C.M.M., COURT AT BENGALURU CITY FOR THE OFFENCE P/U/S 506,34,504,420,406,120B OF IPC AGAINST THE PETITIONERS.

THIS PETITION, COMING ON FOR HEARING ON I.A., THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging FIR in Crime no.25/2020 registered by Vijayanagara Police Station on a complaint dated 30.01.2020 presently stated to be pending on file of IV Additional Chief Metropolitan Magistrate, Bangalore for offences punishable under Sections 506, 504, 420, 406, 120B read with Section 34 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Gangadhar K., learned counsel appearing for Sri Hanumantharaya C.H., advocate for petitioners submitted that petitioners were accused no.3 and 4. It was submitted, a private complaint was filed by petitioner no.2 herein before XXIV Additional Chief Metropolitan Magistrate, Bangalore on 24.01.2020. In pursuance of same, a direction was issued to



CNR: KAHC010105422020

Vijayanagara Police Station for investigation and submission of report, leading to registration of Crime no.21/2020 on 27.01.2020 for offences punishable under Sections 417, 418, 419, 420, 423, 464, 465 read with Section 120B of IPC against 15 persons. As a counter blast, present complaint is filed thereby indicating initiation of proceedings by respondent no.2 - complainant (Bank) as abuse of process. It was submitted, petitioners had also filed OS no.413/2020 for declaration that mortgage deed was obtained by fraud and misrepresentation and same was pending before XXXVII Additional City Civil and Sessions Judge, Bangalore (CCH-38). Therefore, sought for quashing.

3. On other hand, Sri Surya Mukundaraj L, Additional SPP for respondent no.1 - State would oppose petition.

4. None appears for respondent no.2 - complainant (Bank).

5. Heard learned counsel and perused material on record.

6. Perusal of impugned complaint would reveal that respondent no.2 - complainant (Bank) alleges that accused



CNR: KAHC010105422020

no.1 and 2 had obtained financial assistance to an extent of Rs.10 Crores from complainant - Bank and for which, petitioners herein were guarantors. Said loan was declared as NPA on 31.08.2019 and steps for recovery under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**SARFAESI Act**) were in progress. During its pendency, accused had threatened Bank/Bank Officials that they would ensure that Bank would be closed. It is also alleged that properties offered as security by guarantors were already mortgaged in favour of LIC Housing Limited and same was suppressed with intention to cheat Bank.

7. Hon'ble Supreme Court in **K. Virupaksha and Anr. v. State of Karnataka and Anr.**, reported in **(2020) 4 SCC 440** has held that in case of initiation of criminal proceedings against Bank and its officials, provisions of SARFAESI Act provide complete remedies to borrowers/guarantors before Debt Recovery Tribunal (**DRT**). Same would squarely apply to present proceedings.

8. Even petitioners' contention about allegation by complainant - Bank that petitioners had suppressed about properties offered to Bank as security were mortgaged earlier



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in favour of LIC Housing Limited, would not be justified and would not be open for examination by this Court as petitioners have filed OS no.413/2020 before XXXVII Additional City Civil and Sessions Judge, Bangalore (CCH-38) and said contention would require to be adjudicated in same.

9. In view of above, petition is ***dismissed***, reserving liberty to petitioners to approach DRT for appropriate relief.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 11