



CNR: KAHC010130052020

NC: 2026:KHC:53714
CRL.P No. 6575 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6575 OF 2020

BETWEEN:

1. SMT. RADHAMANI
D/O LATE K.V. SHANKARAN NAIR
AGED ABOUT 59 YEARS,
NO.5/5, RESHMI NIVAS
1ST STAGE INDIRANAGAR
OLD BINNAMANGALA
BENGALURU-560038

AS PER AADHAR ALSO AT
W/O A. RAVINDRAN,
147, 7TH CROSS, 10TH MAIN
INDIRANAGAR 2ND STAGE
BENGALURU-560038.

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

2. SMT. NIRMALA D
D/O DEVARAJ D
W/O AMARTHARAJ R
AGED ABOUT 56 YEARS,
RESIDING AT NO.8, 8TH MAIN
11TH CROSS HOYSALA NAGAR
BENGALURU-560 016
NOTE-PETITIONERS NO.1 AND 2 ADDRESS
AS PER AADHAR CARD.

...PETITIONERS

(BY SMT. RAKSHITHA P. SINGH, ADVOCATE FOR
SRI. S. BALAKRISHNAN, ADVOCATE)



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AND:

1. STATE OF KARNATAKA
THROUGH INDIRA NAGAR POLICE STATION
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.
2. SRI. G. MOHAN
AGED ABOUT MAJOR,
DISTRICT DISABLE WELFARE OFFICER,
HOSUR ROAD,
BANGALORE CITY-560 100
KARNATAKA

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1 AND R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ORDER DATED 26.09.2018
OF TAKING COGNIZANCE AND SUBSEQUENTLY PROCEEDINGS
IN C.C.NO.50293/2019 ARISING OUT OF THE CR.NO.287/2013,
FOR THE OFFENCES PUNISHABLE UNDER SECTION 420 R/W
SECTION 34 OF IPC PENDING ON THE FILE OF THE X
ADDITIONAL CHIEF METROPOLITAN MAGISTRATE,
BENGALURU.

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 learned counsel for petitioners and learned Additional SPP for respondent Nos.1 and 2.

2. The factual matrix of case of the prosecution is that there was an allegation against the petitioners that both of them misused the fund of 2,06,121/- which was the amount of scholarship to be given to blind children and case was registered and police investigated the matter and filed 'B' report against the petitioners. The complainant filed the protest memo and thereafter, the Trial Court proceeded to record the sworn statement, wherein the complainant is examined and got marked the documents Exs.C1 to C19.

3. The Trial Court considered those documents, particularly taken note of Ex.C4 i.e., the resignation letter of accused No.1 dated 29.04.2013, wherein she has given resignation letter by accepting the allegation made against her regarding misusing of student's scholarship and PF amount and public donations and also lease and rent amount of the school



playground. On perusal of other documents placed before the Court, it reflects misusing of funds of the Government by accused Nos.1 and 2 and cheated the Government and the alleged act of accused Nos.1 and 2 constitute the offence under Section 420 read with Section 34 of IPC. Hence, 'B' report filed by the police is liable to be rejected and cognizance is to be taken against accused Nos.1 and 2 for the said offences and therefore, cognizance is taken.

4. The counsel appearing for the petitioners relied upon the documents placed before this Court i.e., police notice as well as the document of the Deputy Director of Education Department; the letter addressed to the Director dated 03.11.2007 and also the letter addressed to the District Disabled Welfare Officer dated 07.01.2016. Referring these documents, counsel would vehemently contend that the allegations made against the petitioners are false since these documents establishes that the petitioners are innocent.

5. The counsel appearing for the respondent/State would submit that Trial Court proceeded to issue the summons considering the material placed on record, particularly, the



document of Ex.C4. Hence, quashing of the proceedings does not arise.

6. Having heard the petitioners' counsel and also the counsel appearing for the respondents and also on perusal of the material on record, it discloses that the documents which have been produced before this Court by the counsel for the petitioners cannot be relied upon in 482 proceedings and the petitioners can rely upon these documents only at the time of trial before the Trial Court. While taking of cognizance, learned Magistrate considering the sworn statement as well as the documents produced before the Court observed that when the resignation was tendered, the petitioners have admitted the misuse of funds and comes to the conclusion that it is a fit case to take the cognizance and accordingly, proceeded. Having considered the same, it discloses that the Magistrate has applied judicious mind. In view of the serious allegation made against the petitioners that too misappropriation of the scholarship fund of Rs.2,06,211/- which was sanctioned to the blind students by the government, the question of entertaining



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the petition for quashing does not arise. Hence, the petitioners are not made out any grounds to quash the proceedings.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

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

ST,SN
List No.: 1 Sl No.: 29