



CNR: KAHC010137322020

NC: 2026:KHC:49399
CRL.P No. 6389 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6389 OF 2020

BETWEEN:

SMT. DHANALAKSHMI
W/O S P BAGH MURTHY
AGE ABOUT 68 YEARS
R/A NO.228, VELLAM PATTI VILLAGE
SHIVAKASHI TALUK
VIRUDH NAGARA DISTRICT
TAMILNADU - 626123

...PETITIONER

(BY SRI PRAKASHA K V & DIVYA PRAKASHA, ADVOCATES)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. STATE BY INDIRANAGARA POLICE
BANGALORE
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BANGALORE - 560001
2. KUM. PRABHA GOWDA
S/O MANJAPPA GOWDA
AGE ABOUT 50 YEARS
R/A NO.26 ALFRED STREET
RICHMOND TOWN
BANGALORE - 560025

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI PRADEEP C S, ADVOCATE FOR R2)



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THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST THE PETITIONER IN C.C.NO.7807/2016 ARISING OUT OF CR.NO.452/2011 FOR THE OFFENCE P/U/S 406 AND 420 OF IPC REGISTERED BY INDIRANAGARA P.S., BENGALURU PENDING ON THE FILE OF THE HONBLE 4TH A.C.M.M., NRUPATHUNGA ROAD, BENGALURU CITY AND ETC.

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 also the learned High Court Government Pleader appearing for respondent No.1/State and so also the learned counsel appearing for respondent No.2.

2. The prayer is sought in the petition is that to quash the proceedings initiated against the petitioner in C.C.No.7807/2016 arising out of Crime No.452/2011 for the offences punishable under Section 406 and 420 of IPC.



3. The learned counsel appearing for the petitioner would contend that this petitioner is accused No.2 and she has been implicated only on the basis of an alleged arm-twisting incident at the very registration of the case and no specific allegation has been made against her in the complaint and nothing is attributed against this petitioner except mentioning in the complaint in paragraph 2 that on 06.03.2011, S. P. Shenbagamoorthy and his wife Dhanalakshmi had advertised in Deccan Herald newspaper offering loan against properties/projects/business at 9% interest per annum and gave the phone and email details. In the complaint, it is also stated that accused No.1 was handling her money. She operates in benami names and he and his wife are trusted aides. The counsel would vehemently contend that with regard to the role of this petitioner is concerned, throughout in the complaint, nothing is stated. The counsel also submits that even during the course of investigation, none of the witnesses speak about the same. Hence, this petitioner has been falsely implicated in the case and false case has been filed against the



petitioner herein only on the basis that she is the wife of accused No.1.

4. Per contra, the learned counsel appearing for the respondents would submit that in the complaint, the name and role of this petitioner is also mentioned. Though in detail it is not stated about the role of the petitioner but during the course of investigation, the witness Sri Munivenkatappa made the statement on 23.04.2012 that immediately after the first visit, after 4 to 5 days, this petitioner along with her husband and one Smt.Sujatha were met in Indiranagara and discussed with regard to payment of Rs.2 crores as loan and they demanded the amount of Rs.12,00,000/- for the said loan. Out of that amount, an amount of Rs.8,00,000/- was paid and they have shown the DD of Rs.2 crores and made them to believe the same. But they were not handed over the said DD and even collected the remaining amount of Rs.4,00,000/-. The counsel also would submit that even in the statement of other witnesses also, categorically stated the role of accused No.1 and his wife and so also one Smt.



Sujatha and all the witnesses speak about the same in their statements.

5. In reply to this arguments, the counsel appearing for petitioner would submit that the name of Sujatha is also mentioned by all the witnesses. But she was not made as accused and only made this petitioner and her husband as accused Nos.1 and 2 in the charge sheet.

6. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, the Court has to look into the contents of the complaint. No doubt, in the complaint, the name of the petitioner is mentioned stating that on 06.03.2011, accused No.1 and his wife Dhanalaksmi i.e., petitioner herein had advertised in Deccan Herald advancing the loan amount is concerned. Having considered the statement of the Munivenkatappa dated 23.04.2012 wherein he categorically stated that they met accused No.1 and his wife and also Smt. Sujatha at Indiranagara and they introduced themselves as they are close to the former Chief Minister of



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Tamil Nadu and also discussed with regard to the availing of loan at the rate of 7.5%. The allegation is made that they demanded Rs.12,00,000/- for the sanction of said loan amount and out of that amount, they gave an amount of Rs.8,00,000/- and subsequently also collected an amount of Rs.4,00,000/-. But they have not handed over the DD.

7. Having taken note of the allegations made in the complaint as well as in the charge sheet, it discloses that the allegation is attributed against this petitioner also. No doubt, the counsel appearing for the petitioner would contend that no specific allegations are made against this petitioner. But statement of witnesses discloses that they met this petitioner also along with accused No.1. When such statements are made, the statements of those witnesses requires to be tested during the trial. Hence, I do not find any grounds to exercise the powers under Section 482 of Cr.P.C. The very contention of the counsel for the petitioner is that there is no role of this petitioner in the alleged transaction cannot be accepted at this juncture since matter requires trial.



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

ORDER

The petition is dismissed.

In view of dismissal of the main petition, I.A. if any, does not survive for consideration and the same stands disposed of.

Sd/-
(H.P.SANDESH)
JUDGE

SN