



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.4066 OF 2019

BETWEEN:

MR. DEEPAK RAHEJA
S/O LATE BHAGWAN DAS,
AGED ABOUT 64 YEARS,
MANAGING DIRECTOR,
M/s. PEBBLE BAY DEVELOPERS PVT. LTD.,
REGISTERED OFFICE AT LINKING ROAD
AND MAIN AVENUE, SEANTACRUZ (WEST)
MUMBAI - 400 054.

OLD ADDRESS
ADVANTAGE RAHEJA,
ONYX CENTRE, #5, 4TH FLOOR,
MUSEUM ROAD, BANGALORE - 560 001.

BRANCH OFFICE - NEW ADDRESS
#24/1, LEVEL 1, VITTAL MALLYA ROAD,
BANGALORE-560 001,
REP BY ITS CHAIRMAN,
MR. DEEPAK RAHEJA.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...PETITIONER

(BY SRI AJESH KUMAR S., ADVOCATE)

AND:

1. THE POLICE SUB-INSPECTOR
SANJAYNAGAR POLICE STATION,
SANJAYNAGAR,
BENGALURU - 560 094.
2. TANVEER AHMED HAIDARY,
THE PROPRIETOR
M/s. TAH & COMPANY,



NO.5, NETAJUNAGARA,
KALINA, SANTACRUZ EAST,
MUMBAI - 400 029,
MAHARASHTRA.

...RESPONDENTS

[BY SMT. SOWMYA R., HCGP FOR R1;
SMT. ANJANA SHARMA, ADVOCATE FOR R2 (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO a. QUASH THE ORDER DATED 15.07.2016 OF THE VIII ADDL.C.M.M., BENGALURU IN C.C.NO.16189/2016 IN CR.NO.292/2014 TAKING COGNIZANCE AGAINST THE PETITIONER AS IN ANNEXURE-A. b. QUASH THE ENTIRE CHARGE-SHEET DATED 28.03.2016 IN C.C.NO.16189/2016 (CR.NO.292/2014) AS PER ANNEXURE-D1 PENDING AGAINST THE PETITIONERS HEREIN ON THE FILE OF VIII ADDL.C.M.M., BENGALURU FOR THE ALLEGED OFFENCE P/U/S 420 OF IPC AND ALL FURTHER PROCEEDINGS.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 15.07.2016 passed by VIII Addl. Chief Metropolitan Magistrate, Bangalore in CC no.16189/2016 taking cognizance for offence punishable under Section 420 of Indian Penal Code, 1860 ('**IPC**') and quashing of charge sheet and entire proceedings, this petition is filed.



2. Sri Ajesh Kumar S., learned counsel petitioner submitted that petitioner was accused in complaint filed with Sanjaynagar Police, Bangalore by respondent no.2 - complainant on 29.12.2014 alleging that complainant was running business of Civil, Interior Contractor and Supplier at Mumbai, Bangalore, Delhi and other parts of India. That accused - Deepak Raheja was Managing Director of Advantage Raheja, Onyx Centre, Bangalore, who had assigned interior work of Pebble Bay Developers Pvt. Ltd., an Apartment Complex at Dollars Colony, Sanjaynagar, Bangalore.

3. It was alleged, though complainant carried out work along with other works entrusted, payments made were not commensurate to bills and despite demand, accused though assured to clear payment within two months had failed to make payment displaying dishonest intention. Alleging that accused had dishonestly induced complainant to complete work and thereafter misappropriated amounts for his personal gain, complaint was filed.

4. It was also alleged that without making any payment, TDS was deducted upto year 2013. Complaint was



registered as Crime no.292/2014 by Sanjaynagar Police and after investigation, charge sheet at Annexure-D1 filed. Impugning same, petition is filed. It was submitted, bare perusal of complaint at Annexure-B as well as charge sheet at Annexure-D1 would indicate that dispute between parties is about unpaid dues in course of commercial transactions and for which, resort to criminal proceedings would not be justified.

5. Relying upon decisions of Hon'ble Supreme Court in case of **Commissioner for Police and Ors. v. Devender Anand and Ors.**, in Criminal Appeal no.834/2017 disposed of on 08.08.2019 and this Court in **Rohit Jawa v. State of Karnataka and Anr.**, in Criminal Petition no.8536/2023 disposed of on 03.07.2025 [**2025:KHC:23989**] it was submitted that filing of complaint amounted to abuse of process and sought for quashing. Apart from above, it was submitted, accused was Director of a Company, without impleading Company as accused, complaint would be untenable. He also relied on decision of Hon'ble Supreme Court in case of **Sanjay Dutt and Ors. v. State of Haryana and Anr.**, [**2025 INSC 34**].



6. Even on ground that ingredients of offence under Section 420 of IPC were not made out, sought for quashing of entire proceedings by relying on decision of Hon'ble Supreme Court in case of **A.M. Mohan v. State**, reported in **(2024) 12 SCC 181**. It was also submitted that order taking cognizance did not indicate application of mind and being cryptic in nature was contrary to ratio laid down by High Court of Delhi in **Sanjit Bakshi v. State (NCT of Delhi)**, reported in **2022 SCC OnLine Del 3614**. On above ground, sought for allowing petition.

7. Smt.Sowmya R., learned HCGP for respondent no.1 - State would oppose petition. It was submitted, after investigation, charge sheet was filed on finding sufficient material for trial.

8. There is no representation on behalf of respondent no.2 - complainant. However, objections are filed.

9. Heard learned counsel and perused objections filed by respondent no.2.

10. This petition is by accused challenging order taking cognizance as well as entire proceedings on ground of abuse



of process of law on following grounds, firstly, that complaint did not disclose essential ingredients for offence punishable under Section 420 of IPC; secondly, incident arose out of a civil dispute; failure to array Company of which accused was Director and order of cognizance being cryptic. Contentions urged and ratio laid down in decisions relied upon are well-entrenched and would be sufficient for invoking jurisdiction of this Court under Section 482 of Code of Criminal Procedure, 1973 ('**CrPC**').

11. Perusal of complaint does not indicate work of interior decoration was assigned to complainant by Company. Therefore, *prima facie* non-arraigning company may not be fatal. However, perusal of complaint and charge sheet would reveal that offence alleged arises predominantly out of civil transaction involving allegation of failure to make payment for works executed.

12. In **Devender Anand's** case (*supra*) as well as in **Sachin Garg v. State of Uttar Pradesh and Anr.**, reported in **(2024) 11 SCC 687**; **Vesa Holdings (P) Ltd. v. State of Kerala**, reported in **(2015) 8 SCC 293** etc., Hon'ble Supreme Court has held that a civil dispute cannot be



permitted to be converted into a criminal case to exert pressure on accused for recovery of money. Though in objections filed, respondent no.2 seeks to project criminal breach of trust as offence alleged, charge sheet filed and order of cognizance taken is for offence punishable under Section 420 of IPC only. Therefore, there is no buttressal of contention that dispute is predominantly civil in nature and without criminal element.

13. In view of above, continuation of proceedings against petitioner - accused would amount to abuse of process of law and therefore, referring to ratio in **Devender Anand, Sachin Garg** and in **Vesa Holdings (P) Ltd.**, cases (supra) petition is **allowed**, proceedings in CC no.16189/2016 on file of VIII Addl. Chief Metropolitan Magistrate, Bangalore stand **quashed** insofar as petitioner is concerned.

Sd/-
(RAVI V HOSMANI)
JUDGE