



CNR: KAHC010153382019

NC: 2026:KHC:55253  
CRL.P No. 3830 of 2019

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF OCTOBER, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO.3830 OF 2019**

**BETWEEN:**

1. SRI. ADITHYA,  
S/O SATHYANARAYAN,  
AGED ABOUT 26 YEARS,  
R/AT NO.217, 2<sup>ND</sup> FLOOR,  
3<sup>RD</sup> STAGE, 7<sup>TH</sup> CROSS,  
OPPOSITE PARK,  
NEAR KARNATAKA BAR AND RESTAURANT,  
KATRIGUPPE, BANASHANKARI,  
BANGALORE-560 085.

...PETITIONER

(BY SRI. K.P. BHUVAN, ADVOCATE)

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by DEVIKA M

Location: HIGH  
COURT OF  
KARNATAKA

**AND:**

1. STATE OF KARNATAKA,  
POLICE INSPECTOR,  
KRISHNARAJA POLICE STATION,  
KRISHNARAJA SUB-DIVISION,  
MYSURU CITY-570007,  
REPRESENTED BY SPP,  
HIGH COURT OF KARNATAKA,  
BENGALURU-560001.
2. SMT. VIJAYALAKSHMI,  
W/O CHANDREGOWDA,  
AGED ABOUT 48 YEARS,  
R/AT NO.110, 24<sup>TH</sup> CROSS,



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'B' BLOCK, 3<sup>RD</sup> STAGE,  
VIJAYANAGAR, MYSORE-570 007.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;  
SMT. VARALAKSHMI P., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET AGAINST THE PETITIONER/ACCUSED NO.3 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 406 AND 420 R/W SECTION 34 OF IPC IN C.C.NO.58/2019 ARISING OUT OF CR.NO.195/2015 ON THE FILE OF III-J.M.F.C., MYSURU.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

### **ORAL ORDER**

The prayer sought in this petition is to quash the charge sheet arising out of Crime No.195/2015 against the petitioner/accused No.3 for the offence punishable under Sections 406 and 420 read with Section 34 of IPC in C.C.No.58/2019, on the file of III JMFC, Mysuru.

2. Heard the learned counsel appearing for the respective parties.

3. The complainant referring the name of this petitioner stated that she was having an acquaintance with



this petitioner and this petitioner had promised the complainant that he would get the site in her name and hence, she made the payment of Rs.1,40,000/- and thereafter, after six months, again made the payment of Rs.10,00,000/-, but she did not get any site. When the complainant demanded to repay the amount, two cheques were given, but those cheques were bounced. It is also stated in the complaint that her friend A N Prema was also promised that she would get the site and collected the amount of Rs.90,00,000/- from her but no site was given and to her also cheque was given. The complainant also referred number of persons in the complaint from whom the amount was collected in this regard. On the very next date, the complainant made the statement before the police that she gave the complaint against Anuradha stating that she has received the amount of Rs.11,40,000/- and it is stated that the amount was also collected from Kamalamma, Nagini, Prema Nagaraj, Parimala and Nagamma and they have also been cheated and they are not having any acquaintance with this petitioner and all of them made the



payment in favour of A N Prema as loan and by mistake it is stated that the amounts are paid towards the site. This statement was recorded.

4. The counsel appearing for the petitioner would submit that this petitioner is nowhere connected to this transaction and no payment or amount is received by this petitioner. The allegation is that cheque was given and the same was bounced, but this petitioner has not given any cheques. Counsel would submit that cheque was given by accused No.1 and she is no more, who is none other than the mother of this petitioner and no cheques were given by the father also, who has been arraigned as accused No.2. No material is collected against this petitioner for having received the amount. When this petitioner is not the owner of any of the sites, the question of payment of Rs.11,40,000/- to him does not arise. It is also the case of the complainant that she would get the site in her favour. But this petitioner is not the owner and not having any site and not collected any money with a promise that he is going



to execute any sale deed. The Court has to take note of the allegations made in the complaint. In the absence of any material with regard to the transaction between this petitioner and the complainant, there cannot be any criminal prosecution.

5. The learned counsel for respondent No.2 would submit that a cheque was issued for an amount of Rs.30,000/- and the said cheque is signed by this petitioner and the said cheque is also given as against the amount of Rs.11,40,000/- received by his mother. When specific allegations are made against this petitioner that he also given the cheque in respect of the amount which was collected, there cannot be any quashing of the proceedings.

6. The learned High Court Government Pleader appearing for respondent No.1/State would submit that CW6 speaks about the issuance of the cheque for an amount of Rs.30,000/- by this petitioner and the same is also stated by the witness before the Investigating Officer and hence, the Investigating Officer included this petitioner as an accused.



7. In reply to this argument, the learned counsel for the petitioner brought to the notice of this Court the statement of CW6. CW6 says that she also made payment in favour of the mother of this petitioner and her statement is very clear that the mother of this petitioner obtained the cheques from the son and also her husband, in total 14 cheques and hence, it is clear that this petitioner has not given cheque directly to the complainant and only mother had collected and given the same and hence, there cannot be any criminal prosecution against the petitioner.

8. Having heard the learned counsel for the respective parties, particularly this Court has to take note of the allegations made in the complaint. In the complaint, nowhere an allegation is made that payment is made to this petitioner and only allegation is made against the mother of this petitioner that the complainant made the payment of Rs.1,40,000/- as well as an amount of Rs.10,00,000/- to the mother of the petitioner when she promised the complainant to get her a site. But when the cheques were given, those



cheques were bounced. Having perused the contents of the complaint (Annexure-A), no specific accusation is made against this petitioner. However, while filing the charge-sheet, CW6 in her statement says that the mother of the petitioner only obtained the cheque from her son and gave the same to the complainant. There is no direct transaction between this petitioner and the complainant. The mother of the petitioner had obtained the cheque from this petitioner for an amount of Rs.30,000/-. The Court has to take note of that the complainant while advancing the amount, not advanced the amount in favour of the owner of the site. But only the mother of this petitioner made a promise to get a site. But there is no any agreement of sale of the site and also owner had not promised to give a site and the mother had transacted with the complainant for getting the site and this petitioner cannot be prosecuted merely because the mother had obtained the cheque of this petitioner for an amount of Rs.30,000/- as against Rs.11,40,000/-. Having considered the charge-sheet materials, when there is no any contract between this petitioner and the complainant, merely



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because he is the son of accused No.1, he cannot be prosecuted. Hence, the petitioner has made out the ground to quash the proceedings against him.

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

ORDER

The petition is allowed. The proceedings initiated against the petitioner in C.C.No.58/2019 is quashed.

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

SN/MD  
List No.: 1 Sl No.: 13