



CNR: KAHC010180002020

NC: 2026:KHC:53643
CRL.P No. 2827 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.2827 OF 2020

BETWEEN:

1. DR. HARSHA
S/O LATE DR MAHADEVAPPA
AGED ABOUT 59 YEARS

2. SMT. NANDINI HARSHA
W/O DR. HARSHA
AGED ABOUT 56 YEARS,

BOTH ARE RESIDING AT
NO.253, 'SMRITHI'
15TH MAIN, RMV EXTENSION
SADASHIVANAGAR
BENGALURU-560080.

3. SMT. SITARA HARSHA
D/O DR. HARSHA
AGED ABOUT 32 YEARS

(FALSELY CLAIMED BY THE COMPLAINANTS AS
RESIDING AT NO.253, 'SMRITHI' 15TH MAIN
RMV EXTENSION, SADASHIVANAGAR
BENGALURU-560080
BUT SHE IS RESIDING AT USA SINCE 2010
THE VISA AND PASSPORT DETAILS ARE ANNEXED

...PETITIONERS

(BY SMT. VIJETHA R. NAIK, ADVOCATE)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA
THROUGH JALAHALLI POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560001.
2. UMA MAHESH M.S.
AGED ABOUT 39 YEARS,
3. RANJITHA MAHESH
W/O UMA MAHESH
AGED ABOUT 34 YEARS,

BOTH ARE RESIDING AT NO.2/1
5TH CROSS, SBM COLONY
BRUNDAVAN NAGAR, MATHIKERE
BENGALURU-560054.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. VARUN GOWDA, ADVOCATE FOR R2 AND R3)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE PRIVATE COMPLAINT FILED BY THE COMPLAINTANTS IN P.C.R.NO.1175/2020 BEFORE THE LEARNED IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU, PRODUCED AS ANNEXURE-A AND QUASH THE ORDER DATED 01.02.2020 PASSED BY LEARNED IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU, REFERRING THE PRIVATE COMPLAINT 1175/2020 FOR INVESTIGATION UNDER SECTION 156(3) OF THE CODE OF CRIMINAL PROCEDURE PRODUCED AS ANNEXURE-B AND TO QUASH THE REGISTRATION OF CASE AS FIR IN CR.NO.22/2020 REGISTERED BY THE JALAHALLI POLICE FOR OFFENCES PUNISHABLE UNDER SECTIONS 460 AND 420 R/W SECTION 34 OF THE IPC, PRODUCED AS ANNEXURE-C.



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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, learned High Court
Government Pleader for respondent No.1 and learned counsel
for respondent Nos.2 and 3.

2. In this petition, prayer is sought for quashing
private complaint filed by the complainant in PCR
No.1175/2020 and also prayed this Court to quash the order
dated 01.02.2020, wherein the Trial Court passed an order
referring the matter under Section 156(3) of Cr.P.C. and quash
the registration of FIR in Crime No.22/2020 registered by
Jalahalli Police Station for the offences punishable under
Sections 406 and 420 read with Section 34 of IPC as per
Annexure-C and grant such other relief.

3. Having perused the order passed by Trial Court, the
Trial Court having received the complaint, passed the order
dated 01.02.2020 which reads as hereunder:



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"ORDER

Heard counsel for the complainant.

The complaint is supported with affidavit in compliance of the judgment in AIR 2015 SC 1758 Mrs. Priyanka Srivastava and another Vs State of UP and others.

On perusal of the complaint averments cognizable and non bailable offences are disclosed. Hence, it is just and proper to refer the matter to investigate into the allegations made against the accused. Taking into consideration the nature of the offences and other materials placed before the Court, I pass the following order :

ORDER

- 1. Complaint is referred for investigation u/s. 156(3) of Cr.P.C. to SHO, Yashwanthpura Police Station.*
- 2. Await report.*

*Sd/-
IV ACMM, Bengaluru"*

4. Learned counsel appearing for the petitioners would vehemently contend that order impugned referring the matter under Section 156(3) of Cr.P.C. is without application of mind. The main contention of learned counsel appearing for the petitioners is that this is a second complaint and the second



complainant before the Trial Court has not signed the complaint, though the name of Smt. Ranjitha Mahesh has been shown as complainant and mentioned as complainants. The other ground urged before this Court is that the very private complaint is defective and learned Magistrate could not have entertained the same, as such the order passed by the learned Magistrate referring the private complaint under Section 156(3) of Cr.P.C. being bad in law, the filing of private complaint and the order of the Magistrate referring the same for investigation needs to be quashed by this Court.

5. Learned counsel for the petitioners would contend that the present complaint is filed only with an intention to harass the petitioners. It is also contented that case of the complainant at paragraph No.15 of the PCR is that the accused may sell the property and flee from justice which fact is false, since the first petitioner has already executed registered agreement of sale, relinquishment deed and sale deed in the name of third respondent as insisted by the complainants. Hence, allegations made by the complainants in the PCR are nothing more than a cooked-up story. Therefore, ought not to



have referred the matter under Section 156(3) of Cr.P.C. The counsel also vehemently contend that when Yeshwanthpura police had summoned the petitioners to investigate the allegations made by the first complainant, the petitioners had appeared before the police and produced all the documents establishing the fact that complainant is actually due to them in a sum of more than Rs.50,00,000/- and to avoid making payments to the petitioners, the complainants have come up with a false story. The counsel also would vehemently contend that complaint and the private complaint are contrary to each other and the daughter of the petitioners, the third petitioner herein, who is unconcerned with the transaction and is residing in United States since more than 10 years is also implicated to harass and humiliate the petitioners. The first petitioner is a renowned Medical Practitioner and has earned name and fame as a well known physician and he has put up 35 years of practice and has his establishments in Bengaluru. The third petitioner submits that from 2010, she is residing at America, she neither knows the respondent Nos.2 and 3 nor entered into any transaction with them. She has been falsely implicated to



harass the petitioners. The third petitioner submits that in the complaint filed by the second respondent before Yeshwanthpura police, there is no allegation against her. When there is no allegation in the complaint before the police, she could not have been implicated in the private complaint. The counsel also vehemently contend that without application of mind, the order was referred under Section 156(3) of Cr.P.C. Hence, it requires interference of this Court.

6. Learned counsel appearing for respondent Nos.2 and 3 would submit that when an earlier complaint was filed, the same was not in compliance with Sections 154(1) and 154(3) of Cr.P.C. Hence, the same was stated before the Court that there was no compliance and therefore, withdrew the earlier complaint and filed the present complaint and the same will not amount to second complaint. The counsel appearing for respondent Nos.2 and 3 would submit that though contented in the petition with regard to the transaction and payment is concerned, the same cannot be considered when the matter was referred under Section 156(3) of Cr.P.C. The Trial Judge has not committed any error in referring the matter under



Section 156(3) of Cr.P.C. and only a pre-cognizance order was passed and while passing such an order also looked into the contents of the complaint and comes to the conclusion that on perusal of the averments of the complaint, cognizable and non-bailable offences are disclosed. Hence, comes to the conclusion that matter requires investigation.

7. Having heard learned counsel for the petitioners and learned counsel appearing for respondent Nos.2 and 3 and also on perusal of the material available on record, since the counsel appearing for the petitioners has produced the copy of the complaint and there is a force in the contention of counsel appearing for the petitioners that in the cause title of the complaint, shown the name of two persons as complainants. On perusal of the complaint, though name of two persons are stated in the cause title of complaint, but in the prayer column and verification, only the first complainant has signed the same and not shown the name of the second complainant. Apart from that, affidavit is also filed in support of the complaint. The Trial Court also while passing the pre-cognizance order taken note of compliance of the judgment of the Apex Court in **AIR 2015 SC**



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**1758 in MRS. PRIYANKA SRIVASTAVA AND ANOTHER VS.
STATE OF UP AND OTHERS.**

8. Having perused the order of the Trial Court which is extracted above, the learned Magistrate looked into the contents of the complaint and found that cognizable and non-bailable offences are disclosed. Hence, formed its opinion that it is just and proper to refer the matter for investigation and looked into the allegations made against the accused and passed an order referring the matter to the police. Having perused the same, it is only a pre-cognizance order.

9. Now, learned counsel appearing for the petitioners in the petition itself would contend that second complainant has not at all signed the complaint and having taken note of prayer column, only name of one of the complainant is shown and considering the contents of the complaint, Trial Court proceeded to pass the pre-cognizance order. No doubt, in paragraph No.37 of the petition has stated that the petitioners have appeared before the police and produced the documents establishing the fact that complainant is actually due to them in a sum of more than Rs.50,00,000/- and are avoiding making



payment to the petitioners. When such averment is made whether complainant is due or any offences invoked against the petitioners and the same is a duty of the Investigating Officer to investigate the same. When the cognizance was not taken and only pre-cognizance order was passed and matter was referred to the investigation and it is the duty of the Investigating Officer to investigate the matter. If such documents are produced before the Investigating Officer, the Investigating Officer has to consider the material and file the report either 'B' report or 'A' report and at the time of passing of an order under Section 156(3) of Cr.P.C., the Court cannot look into all the grounds which have been urged in the petition and the Court has to only look into the order passed by the learned Magistrate whether he has applied his mind while considering the contents of the complaint. Having looked into the contents of the complaint, the Trial Court comes to the conclusion that matter requires investigation.

10. When such being the case, when the order passed by the Trial Court is only a pre-cognizance order, this Court



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cannot entertain the petition in view of the grounds which have been urged in the petition.

Accordingly, the criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 26