



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 8<sup>TH</sup> DAY OF JULY, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**  
**CRIMINAL PETITION NO. 3973 OF 2026**  
**(482(CR.PC) / 528(BNSS))**

**BETWEEN:**

CHANDRASHEKAR R. @ CHANDRU S/O RAMU A.S.,  
AGED ABOUT 40 YEARS, R/AT: NO.97, 16<sup>TH</sup> MAIN,  
33<sup>RD</sup> CROSS, OPP. BENISON SUPER MARKET,  
4<sup>TH</sup> T BLOCK, JAYANAGAR, BENGALURU-560041.

... PETITIONER

(BY SRI. M.R. CHINNASWAMY MANOHAR, ADVOCATE)

**AND:**

1. STATE BY C.C.B P.S,  
BENGALURU,  
REP. BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING, BANGALORE-560001.
2. MANOJ KUMAR H.V.  
S/O VEERABHADRAIAH H.M.,  
AGED ABOUT 25 YEARS, R/AT: NO.497, 14<sup>TH</sup> CROSS,  
BALAJI LAYOUT, RAGHUVANAHALLI,  
BENGALURU-560078.

... RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1;  
SRI. G. RAJESH, ADVOCATE FOR R2)

Digitally signed  
by  
MOHANKUMAR  
B SHELAR  
Location: HIGH  
COURT OF  
KARNATAKA

THIS CRL. PETITION IS FILED UNDER SECTION 482 CR.PC (FILED UNDER SECTION 528 BNSS), PRAYING TO QUASH THE ENTIRE CHARGE-SHEET AND THE ENTIRE PROCEEDINGS INITIATED AGAINST HIM, REGISTERED BY THE C.C.B. P.S. IN SPL.C. NO.300/2026 (CRIME NO.62/2025), REGISTERED FOR OFFENCES PUNISHABLE UNDER SECTION 61(2), 140(2), 308(2), 308(4), 351(2), 238, 249(B) R/W SECTION 190 OF BNS, 2023 AND SECTION 3(1)(II), 3(2), 3(3) AND 3(4) OF KARNATAKA CONTROL OF ORGANISED CRIME ACT, 2000, (KCOCA), PENDING BEFORE THE PRL. CITY CIVIL AND SESSIONS JUDGE (CCH-1), BENGALURU, IN THE INTEREST OF JUSTICE AND ETC.,



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

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The petitioner/accused No.9 has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the proceedings in Spl.C.No.300/2026 pending on the file of the Special Court arising out of Crime No.62/2025 registered for the offences punishable under Sections 61(2), 140(2), 308(2), 308(4), 351(2), 238, 249(b) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(ii), 3(2), 3(3) and 3(4) of the Karnataka Control of Organized Crime Act, 2000 (for short, 'KCOCA').

2. Heard the learned counsel appearing for the petitioner and the learned Special Public Prosecutor appearing for the respondent-State. Perused the petition papers and the charge sheet.

3. The prosecution case, in brief, is that respondent No.2 lodged a complaint on 28.08.2025 alleging that accused



No.1 and his associates had abducted him, wrongfully confined him, assaulted him and forcibly withdrew amounts from his bank accounts while threatening him to pay an additional sum of Rs.10,00,000/-. Initially, the complaint was registered in Crime No.62/2025. During the course of investigation, the Investigating Officer sought invocation of the provisions of the KCOCA and, after completion of investigation, submitted the charge sheet against several accused including the present petitioner, who has been arrayed as accused No.9.

4. Learned counsel appearing for the petitioner would vehemently contend that the entire charge sheet, even if accepted in its entirety, does not disclose any overt act attributable to the petitioner. He would submit that no recovery has been effected at the instance of the petitioner; there is no allegation that the petitioner participated in the alleged kidnapping, extortion or criminal intimidation; nor is there any material to indicate that he was a member of any organized crime syndicate. It is further contended that the prosecution has merely sought to implicate the petitioner because he was acquainted with accused No.1. According to the learned



counsel, mere friendship with accused No.1 cannot constitute an offence of criminal conspiracy punishable under Section 61(2) of the Bharatiya Nyaya Sanhita nor can it attract the provisions of the KCOCA. He would further point out that the person namely Nandakishore, who allegedly borrowed money and whose transaction forms the genesis of the dispute, has not even been arrayed as an accused. Therefore, continuation of criminal proceedings against the petitioner would amount to abuse of the process of law.

5. Per contra, the learned Special Public Prosecutor would oppose the petition. He would submit that the petitioner had absconded during the course of investigation and was subsequently apprehended. He would further submit that the investigation has revealed continuous telephonic contacts between accused Nos.1, 2, 13 and the present petitioner immediately before and after the occurrence. The Call Detail Records (CDRs), according to the prosecution, indicate the petitioner's active association with the principal accused. He would therefore contend that these are incriminating circumstances which require appreciation during trial and not in



proceedings invoking the inherent jurisdiction of this Court. He would submit that the charge sheet discloses sufficient prima facie material and, therefore, the petition deserves to be dismissed.

6. This Court has given anxious consideration to the rival submissions.

7. The scope of interference while exercising inherent jurisdiction for quashing criminal proceedings is well settled. At the stage of considering a petition seeking quashing of a charge sheet, the Court is not expected to undertake a meticulous appreciation of the evidence or evaluate the probable defence of the accused. The Court has only to ascertain whether the materials collected during investigation, if accepted at their face value, disclose the commission of the alleged offences and justify the accused facing trial.

8. It is true that the petitioner has highlighted that there are no allegations of physical participation in the alleged kidnapping or extortion and that no recovery has been effected at his instance. The charge sheet also does not attribute any direct overt act to the petitioner in the commission of the



principal offences. These circumstances undoubtedly constitute substantial grounds of defence which the petitioner is entitled to urge before the trial Court.

9. However, the charge sheet also indicates that the prosecution relies upon the Call Detail Records showing frequent communication between accused Nos.1, 2 and 13 and the present petitioner around the relevant period. The prosecution seeks to establish, through these electronic records and other surrounding circumstances, that the petitioner was part of the conspiracy and had nexus with the organized criminal activities allegedly carried on by the principal accused.

10. Whether the Call Detail Records, either independently or along with other circumstances, are sufficient to establish the petitioner's participation in the alleged conspiracy or his association with the organized crime syndicate is essentially a matter of evidence. Equally, the contention that the petitioner has been falsely implicated only because he was a friend of accused No.1 is also a matter requiring adjudication upon appreciation of evidence. Such disputed questions cannot



be examined in proceedings under Section 528 of the BNSS, 2023.

11. The submission that mere telephonic conversation or acquaintance with accused No.1 is insufficient to constitute criminal conspiracy may ultimately be a defence available to the petitioner. Nevertheless, once the investigating agency has collected materials which, according to it, disclose a prima facie nexus between the petitioner and the other accused, this Court would be slow to exercise its inherent jurisdiction to terminate the prosecution at the threshold. The burden would undoubtedly lie upon the prosecution to establish, by legally admissible evidence, that the petitioner was a participant in the conspiracy and that the ingredients of the offences alleged, including those under the KCOCA, are satisfied.

12. At this stage, this Court cannot record a finding that the materials collected by the prosecution are wholly non-existent or so absurd that continuation of the criminal proceedings would amount to abuse of the process of Court. The evidentiary value of the Call Detail Records and other circumstances relied upon by the prosecution can only be



tested during trial by subjecting the witnesses to cross-examination and by evaluating the evidence in its entirety.

13. Therefore, this Court is of the considered opinion that the petitioner's contention that he has been implicated solely because of his friendship with accused No.1 and that there are absolutely no materials against him cannot be examined in the present proceedings invoking the inherent jurisdiction of this Court. The petitioner has to necessarily face trial. It is for the prosecution to establish beyond reasonable doubt the petitioner's complicity and his alleged nexus with the organized crime syndicate. Needless to observe that all contentions of the petitioner on facts and law are left open to be urged before the trial Court.

#### **ORDER**

- (i) The Criminal Petition is ***dismissed***.
- (ii) The observations made in this order are confined to the consideration of the present petition and shall not influence the trial Court while appreciating the evidence on its own merits.



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- (iii) All contentions of the petitioner are kept open to be urged before the trial Court.

**Sd/-**  
**(SACHIN SHANKAR MAGADUM)**  
**JUDGE**

CA  
CT:BCK  
LIST NO.: 19 SL NO.: 2