



CNR: KAHC010206672019

NC: 2026:KHC:50792
CRL.P No. 5144 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.5144 OF 2019

BETWEEN:

1. SMT. MOKSHA,
D/O VINOD KUMAR,
AGED ABOUT 41 YEARS,
R/AT SANDPITS GARDEN,
BENGRE, MANGALURU TALUK,
DAKSHINA KANNADA DISTRICT-575010.

...PETITIONER

(BY SRI. YATHIN B., ADVOCATE FOR
SRI. VENKATESH SOMAREDDI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH THE SUB-INSPECTOR OF POLICE,
KOTA POLICE STATION ,
KUNDAPURA TALUK, UDUPI DISTRICT,
REPRESENTED BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. SRI. VIJAYA MANGALA TANDELA,
S/O MANGALA TANDELA,
AGED ABOUT 43 YEARS,
R/AT KODIKANYANA VILLAGE,
UDUPI TALUK, UDUPI DISTRICT-576226.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
VIDE ORDER DATED 17.08.2026, R2 IS SERVED)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.3351/2015 PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE AND JMFC, KUNDAPURA, ARISING OUT OF P.C.NO.409/2005 FOR THE OFFENCE PUNISHABLE UNDER SECTION 420 R/W SECTION 34 OF IPC.

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 for the petitioner and the learned Additional SPP appearing for respondent No.1/State.

2. This petition is filed praying this Court to quash the proceedings in C.C.No.3351/2015, pending on the file of the Additional Civil Judge and JMFC, Kundapura, arising out of P.C.No.409/2005 and now transferred to the First Additional Civil Judge and JMFC, Udupi, in C.C.No.1065/2023, for the offences punishable under Section 420 read with 34 of IPC.

3. The learned counsel for the petitioner would vehemently contend that there is absolutely no material



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whatsoever to proceed against the petitioner. The learned counsel would contend that in full-fledged trial in C.C.No.393/2006, P.W.1 to P.W.7 were examined and the Court has passed the judgment disbelieving the case of the prosecution holding that the materials are insufficient to hold the accused guilty and conducting de novo trial against the petitioner would be an exercise in futility and hence, prayed this Court to quash the proceedings against the petitioner.

4. Per contra, the learned Additional SPP appearing for respondent No.1/State would submit that this petitioner is accused No.1 in original C.C.No.3351/2015 and he was absconding and hence, split-up charge-sheet has been filed against this petitioner and he was not subjected for trial. The counsel would submit that the trial was conducted only in respect of other accused persons and witnesses were examined in respect of the accusation made against the other accused



persons and in respect of this accused is concerned, no evidence was led and hence, the accused has to be tried before the Trial Court for the offence.

5. Having heard the learned counsel for the petitioner and the learned Additional SPP appearing for respondent No.1/State, the learned counsel for the petitioner not disputes the fact that the matter is pending before the Court and submits that date is fixed for 26.12.2026. When split-up charge-sheet was filed and NBW was also issued against the petitioner, who was not the part of trial before the Trial Court acquitting the other accused persons cannot be a ground to quash the proceedings in favour of the petitioner. The evidence led in respect of other accused persons is only limited to the evidence of those accused persons who have faced the trial. But no evidence is led in respect of this petitioner. Hence, the very contention of the learned counsel for the petitioner that continuing of the proceedings against the



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petitioner is futile, cannot be accepted. However, the prosecution is given liberty to consider the evidence already available before the Court, but in respect of the accusation and charges levelled against this petitioner is concerned, to take a call to place on record the evidence and let the Trial Judge dispose of the matter, minimizing the trial, in a time bound period within a span of six months.

6. With these observations, the petition is dismissed. The respective parties and their counsel are directed to assist the Trial Court in disposal of the matter within time bound period.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 8