



CNR: KAHC010213692019

NC: 2026:KHC:48860
CRL.P No. 5357 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.5357 OF 2019

BETWEEN:

1. SRI. VIJAYAN,
PROPRIETOR,
M/S. MATHA ENTERPRISES,
NO.64, 1ST CROSS,
BYRAVESHWARA LAYOUT,
BANASAWADI, BENGALURU-560043.
2. SRI. G.SELVARAJ (JE),
AGED ABOUT 51 YEARS,
RESIDING AT 228/3D C,
3RD CROSS, KALYANAGAR,
BANASWADI, BENGALURU-560043.

...PETITIONERS

(BY SRI. GOPALA GOWDA H K., ADVOCATE)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. MR. RAJKUMAR V.,
S/O VENKATESH,
AGED ABOUT 51 YEARS,
M/S. VISHNU WATER SUPPLY,
NO.386, 9TH CROSS,
4TH CROSS, KORAMANGALA,
BENGALURU-560 095.

...RESPONDENT

(BY SRI. M.D.RAGHUNATH, ADVOCATE)



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE IMPUGNED COMPLAINT AND ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO.53513/2019 (PCR NO.50232/2019) REGISTERED AGAINST THE PETITIONERS WHICH IS PENDING ON THE FILE OF XLIII ADDL.C.M.M., BENGALURU AT THE INSTANCE OF RESPONDENT, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 420 AND 506 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 petitioners and the learned counsel for the respondent.

2. The prayer sought in the petition is quashing of the impugned complaint and entire criminal proceedings in C.C.No.53513/2019, arising out of PCR No.50232/2019, on the file of XLIII Additional Chief Metropolitan Magistrate, Bengaluru, for the offences punishable under Sections 420 and 506 of IPC.

3. The learned counsel for the petitioners brought to the notice of this Court that the order was passed taking cognizance without assigning any reason as well as even not discussed anything about the sworn statement of the complainant except stating that the complainant has led the



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sworn statement and produced Ex.C.1 in support of his case. On considering the entire materials placed on record, the sworn statement of the complainant and Ex.C.1, comes to the conclusion that there are sufficient grounds to proceed against the accused. This order is nothing but non-application of mind and even not considered the contents of the complaint as well as sworn testimony of the complainant and without any application of judicious mind, an order has been passed.

4. Per contra, the learned counsel for the respondent/complainant brought to the notice of this Court the order passed by the Trial Court on 06.02.2019, wherein having considered the contents of the complaint, taken the cognizance and thereafter, directed the complainant to adduce sworn statement and accordingly, sworn statement of the complainant was recorded and later on passed the order of issuance of summons.

5. Having heard the learned counsel for the petitioners and the learned counsel for the respondent, and particularly taking into note of the order sheet of the Trial Court, based on the contents of the complaint only cognizance was taken to



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proceed in the matter and the Trial Court comes to the conclusion that it requires recording of sworn statement of the complainant vide order dated 06.02.2019. The records also discloses that subsequently sworn statement was recorded. But it is unfortunate that the learned Magistrate while issuing the process, did not consider the contents of the complaint as well as the sworn statement except mentioning that he has perused the material placed on record and also the sworn statement. Even nothing is discussed whether it attracts the ingredients of the offences, which have been invoked against the petitioners and proceeded to summon the petitioners herein. The very impugned order is passed without application of judicious mind and ought to have considered the contents of the complaint and also the sworn testimony of the complainant and so also the document which is produced along with the complaint and nothing is discussed and hence, the order requires to be interfered and matter requires exercising the power under Section 482 of Cr.P.C.

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



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ORDER

- (i) The petition is allowed.
- (ii) The impugned order dated 30.05.2019 is set aside.
- (iii) The matter is remitted back to the Trial Court to consider the matter afresh considering the contents of the complaint and sworn testimony of the complainant and proceed in accordance with law.
- (iv) The Trial Court is directed to expedite the matter, since this matter was pending from last seven years before this Court.

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

MD
List No.: 1 Sl No.: 22