



CNR: KAHC010213942019

NC: 2026:KHC:49192
CRL.P No. 4631 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.4631 OF 2019

BETWEEN:

1. M/S. COUNTRY CLUB (INDIA) LTD.
NO.675, A MAIN,
1ST STAGE, INDIRANAGAR
BENGALURU-560 038
(THE OFFICE IN THE ABOVE ADDRESS
WAS CLOSED IN THE YEAR 2010)

REGISTERED OFFICE AT AMRUTHA CASTLE
NO.5-9-16, OPP. SECRETARIAT SAIFABAD
HYDERABAD-560 063
REPRESENTED BY ITS DIRECTORS.

2. MR. Y. RAJEEV REDDY
CHAIRMAN AND MANAGING DIRECTOR
COUNTRY CLUB (INDIA) LTD.
3. MR. Y. SIDDHARTH REDDY
VICE-CHAIRMAN
JOINT MANAGING DIRECTOR AND CEO
COUNTRY CLUB (INDIA) LTD.
4. MR. Y. VARUN REDDY
VICE-CHAIRMAN
JOINT MANAGING DIRECTOR
COUNTRY CLUB (INDIA) LTD.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:49192
CRL.P No. 4631 of 2019

CNR: KAHC010213942019

5. MR. D. KRISHNA
VICE-CHAIRMAN
COUNTRY CLUB (INDIA) LTD.
6. MR. KUMAR RAJU
EXECUTIVE DIRECTOR
COUNTRY CLUB (INDIA) LTD.

PETITIONERS NO.2 TO 6 ARE
WORKING AT OFFICE OF THE AMRUTHA CASTLE
NO.5-9-16, OPP. SECRETARIAT SAIFABAD
HYDERABAD-500 004.

...PETITIONERS

(BY SRI. NAGARAJA S., ADVOCATE)

AND:

1. MR. MOHAMED SAAD BIN JUNG
NO.97, 4TH MAIN, 1ST CROSS
HAL III STAGE, NEW THIPPASANDRA
BENGALURU-560 075
PROPRIETOR OF BUSH BETTA
WILDLIFE ADVENTURE RESORTS.

...RESPONDENT

(BY SRI. UDITA RAMESH, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ORDER DATED 09.04.2019
PASSED BY THE LVII ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE, MAYO HALL, BENGALURU (CCH-58) IN
CRL.RP.NO.25046/2015 AND CONSEQUENTLY ALLOW THE
CRL.RP FILED BY THE PETITIONERS.

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

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



CNR: KAHC010213942019

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CRL.P No. 4631 of 2019

ORAL ORDER

Heard learned counsel for the petitioners and learned counsel for the respondent.

2. This petition is filed under Section 482 of Cr.P.C. When the application is filed under Section 305 of Cr.P.C. by the accused persons before the Trial Court, the Trial Court considering the grounds which have been urged, particularly considering the provisions under Section 305 of Cr.P.C. given the reason in paragraph No.7 considering the crux of the issue involved between the parties are concerned. Having extracted the proviso to Section 305 of Cr.P.C., Trial Court comes to the conclusion that whether these accused persons were in charge of day-to-day affairs or not is a matter to be decided during the course of trial and not in an application filed under Section 305 of Cr.P.C. Apart from that, the Trial Court has also taken note of contention of the accused persons that they are not in charge of day-to-day affairs. However, considering the document also, it shows that accused Nos.2 and 3 are the signatories to the document of agreement in the capacity of Chairman, Managing Director and Vice Chairman of accused



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CRL.P No. 4631 of 2019

No.1 and reasoned order has been passed while rejecting the application filed under Section 305 of Cr.P.C.

3. The same is challenged before the Revisional Court and the Revisional Court also having considered ambit and scope of revision vide order dated 09.04.2019, in detail, discussed the same and in paragraph No.12, taken note of the records, particularly the complaint, wherein there is an allegation against all the Directors i.e., accused Nos.2 to 6 of the accused No.1-company and charges are also leveled for having committed criminal conspiracy and criminal breach of trust as against the complainant. The Revisional Court also considered the documents produced along with complaint as well as proviso to Section 305 of Cr.P.C. and in paragraph No.14, taken note of reasoning given in ***Crl.P.No.10710/2012*** where the accused is a Company or a registered Society, but when the accused persons are made as parties to proceedings, they cannot claim the benefit under Section 305 of Cr.P.C. and the Trial Court assigned reasons and dismissed the petition. Considering the said aspect, the Revisional Court also affirmed the order of the Trial Court.



4. Now, learned counsel appearing for the petitioner would vehemently contend that Trial Court and the Revisional Court has committed an error in not exercising the power under Section 305 of Cr.P.C. The counsel also vehemently contend that in the absence of specific detail about the allegations against accused Nos.2 to 6, no person other than the Company can be prosecuted under the alleged complaint filed by the respondent. The counsel also contend that complaint does not disclose any offence and from a plain reading of the complaint, it is apparent on the face of it that complaint is an attempt to harass the petitioners. Hence, the Court has to consider the ingredients of Section 305 of Cr.P.C. and the orders passed by the Trial Court and Revisional Court is against the material on record. Hence, it requires interference.

5. Per contra, learned counsel appearing for the respondent would vehemently contend that when there are documents which clearly disclose that right is given to the complainant and the same is not transferred, the Trial Court rightly comes to the conclusion that it is a matter of trial and the same cannot be considered while invoking the provisions of



Section 305 of Cr.P.C. Hence, the Trial Court rightly dismissed the application and the Revisional Court also affirmed the same in the revision.

6. Having heard learned counsel appearing for the petitioners and learned counsel appearing for the respondent and also considering the grounds which have been urged in the application, when the proviso of Section 305 of Cr.P.C. is invoked, the very contention of the petitioners is that an authorization giving all powers is given to one Madhusudhan and he may be arraigned as accused and not accused Nos.2 to 6, who are the petitioners herein. The said contention cannot be accepted having considered the provisions of Section 305 of Cr.P.C. which is also extracted by the Trial Court while passing an order and the Trial Court also while passing an order taken note of the accusation made in the complaint and also the documents which have been filed along with complaint and the same was taken note of by the Trial Court. With regard to the grounds which have been urged that they are not in charge of the affairs are concerned, the accused have not denied the very post which they were holding in the Company of accused No.1.



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CRL.P No. 4631 of 2019

When such being the case, the issue involved between the parties is a matter of trial as rightly observed by the Trial Court and the same is affirmed by the Revisional Court considering the limited scope of Section 305 of Cr.P.C.

7. Under the circumstances, I do not find any grounds to entertain this petition under Section 482 of Cr.P.C. and this Court cannot conduct any mini trial appreciating question of fact and question of law invoking the jurisdiction under Section 482 of Cr.P.C. Hence, no grounds are made out to exercise the power under Section 482 of Cr.P.C.

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

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 15