



CNR: KAH010233912019

NC: 2026:KHC:36610
CRL.P No. 5936 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5936 OF 2019 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. MOOLCHAND
S/O. SISULAL,
AGED ABOUT 70 YEARS
RESIDING AT NO.66-72-1,
9TH MAIN ROAD,
TATA SILK FARM,
BASAVANAGUDI,
BENGALURU - 560 004
(DELETED ON 16.07.2026)

2. SRI. SAMPATH RAJ
S/O. MOOLCHAND,
AGED ABOUT 50 YEARS
R/AT NO.73/10,
OLD NO.72/1,
9TH MAIN ROAD,
TATA SILK FARM,
BASAVANAGUDI,
BENGALURU - 560 004

...PETITIONERS

(BY SRI. V ANAND.,ADVOCATE)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka





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AND:

1. STATE OF KARNATAKA
BY BASAVANAGUDI POLICE STATION,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001
2. AMARESH E B
FATHER'S NAME NOT KNOWN
AGED 39 YEARS
R/AT NO.246/1,
1ST FLOOR,
9TH CROSS,
N.R. COLONY,
BENGALURU - 560 004

...RESPONDENTS

(BY SRI. JAVEED S.,HCGP FOR R1;

R2 - SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET FILED AGAINST THE PETITIONER BEFORE THE II ADDITIONAL CHIEF METROPOLITAN MAGISTRATE BY XXIII ACMM, BENGALURU IN C.C.NO.16269/2018 AND FOR THE OFFENCE P/U/S.342, 387, 395, 397, 120-B R/W SEC.149 OF IPC, WHEREIN THE PETITIONER HAVE BEEN ARRAIGNED AS ACCUSED NO.2 AND 6 RESPECTIVELY IN ANNEXURE-A THE ENTIRE CHARGE SHEET.

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



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CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

This petition is filed challenging charge sheet and entire proceedings in CC.no.16269/2018 pending on file of XXIII Additional Chief Metropolitan Magistrate, Bengaluru City for offences punishable under Sections 342, 387, 395, 397 and 120(B) read with Section 149 of Indian Penal Code, 1860 ('IPC' for short).

2. Sri. V Anand, learned counsel for petitioners submitted that petitioners were arraigned as accused no.2 and 6 in complaint filed by complainant on 11.01.2017 registered in Crime no.15/2017. In said complaint, it was stated that Nirmala and his father Moolchand were running a chit business and complainant was paying monthly chit amount of Rs.10,000/-. He bid Chit no.93 for Rs.4,60,000/-. At that time, Nirmala had collected 10 blank cheques along with original documents pertaining to a site in Chandapura as security for releasing amount of Rs.4,60,000/-. Complainant was told to collect money after three days. But when complainant went to house of Nirmala and Moolchand, they made false allegations



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against him and despite demand, money was not paid and cheated complainant. It was further stated that at 05.00 p.m., on 11.01.2017, accused along with their 6 associates came to spot and mercilessly assaulted complainant with deadly weapons, tied up his legs and threatened to kill him, if he does not pay Rs.15,00,000/-. At that time they took his signatures on several blank sheets of paper and snatched Rs.66,000/-. It was further stated that complainant was in threat to his life and apprehending that accused were likely to foist false cases against him by misusing cheques filed complaint. It was further submitted that during pendency of above petition, petitioner no.1 - Moolchand, had died while proceedings before trial Court insofar as accused no.3 and 5 had ended in judgment of acquittal on 28.10.2021 in SC.no.1172/2018. It was submitted that names of accused no.2 and 6 were not even named in complaint. In view of acquittal of accused no.3 and 5, continuation of proceedings against petitioners would be futile and abuse of process of law and sought for allowing petition.

3. Sri Javeed S., learned High Court Government Pleader for respondent no.1 opposes petition and submitted that



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Investigating Officer had recorded statements of as many as nine(9) witnesses and found materials sufficient for prosecution, had filed charge sheet. Therefore, there was no justification for allowing petition and sought for dismissal of petition.

4. Heard learned counsel for parties and perused materials placed on record as well as trial Court judgment.

5. As noted above, this petition is filed by accused no.2 and 6 challenging charge sheet and entire proceedings in CC.no.16269/2018. Main ground urged is that petitioners were not named in FIR and in view of judgment of acquittal passed against accused no.3 and 5, proceedings against them would not sustain. A perusal of judgment of acquittal dated 28.10.2021 passed in SC.no.112/2018 would indicate that prosecution had examined as many as seven(7) witnesses and got marked P1 to P26 as Exhibits and 2 MO's. At time of passing judgment, learned Sessions Judge had noted that CW.1 - complainant was examined as PW.4 had turned hostile and failed to identify accused, who had assaulted him. Likewise PW.2 turned hostile and Investigating Officer examined as



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PW.7, failed to prove mahazar as well as allegation that accused had forcibly taken signature. Findings of learned Sessions Judge on 28.10.2021 in SC.no.1172/2018 summarized in paragraph no.19 is as follows:

"From the above evidence of P.Ws.1 to 7 is clear that the complaint and seizure mahazar witnesses who are P.W.4,1 and 2 who are the material witnesses have not supported the prosecution case. The evidence of P.W.6 and 7 are also inconsistent with the case of the prosecution. Though medical evidence supports the injury sustained by the P.W.4 the complaint, the evidence of other material witnesses are not corroborative and cogent enough to believe that such incident has taken place and therefore the prosecution has failed to prove the charges levelled against accused No.3 and 5. The prosecution has failed to prove the essential ingredients of the alleged offences against the accused beyond doubt. Accordingly the points are answered in the Negative."

6. In view of categorical findings by learned Sessions Judge, about failure of prosecution to prove offences against accused beyond doubt, it had passed judgment of acquittal. When above findings are considered in light of fact that there are no allegations against accused, continuation of proceedings even against petitioners (accused no.2 and 6) would be futile, if not amounting to abuse of process of law. Hence, following:



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ORDER

- i) Petition is ***allowed***.
- ii) Proceedings in CC.no.16269/2018 pending on file of XXIII Additional Chief Metropolitan Magistrate, Bengaluru City for offences punishable under Sections 342, 387, 395, 397 and 120(B) read with Section 149 of IPC, stands quashed *qua* accused no.6.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

PHM
List No.: 1 Sl No.: 19