



CNR: KAHC010240442023

NC: 2026:KHC:54068
WP No.10452 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO.10452 OF 2023 (GM-RES)

BETWEEN:

1. PARVEEZ AHMED @ PARVEZ AHMED
S/O B SHABEER AHMED
AGED ABOUT 41 YEARS,
2. IDRISH AHMED
S/O B SHABEER AHMED
AGED ABOUT 38 YEARS,

PETITIONER NOS.1 AND 2 ARE
RESIDING AT,
NO.5, ELEGANT LUXOUR APARTMENT,
FLAT NO.301, 3RD FLOOR,
BENSON TOWN,
BANGALORE-560 046.

3. RIYAZ AHMED @ L RIYAZ AHMED
S/O L NOOR AHMED
AGED ABOUT 50 YEARS
R/AT FLAT NO.001
BADRE-E-AZEEM
COFFEE BOARD COLONY
SHAMPURA MAIN ROAD
ARABIC COLLEGE
BANGALORE-560 045.
4. ZUHAIB GULFAM,
C/O ZUHAIB GULFAM
AGED ABOUT 38 YEARS,
R/AT NO.890, 18TH CROSS,

Digitally
signed by
SUMA B N
Location:
HIGH
COURT OF
KARNATAKA



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19TH MAIN, HBR ALYOUT,
NEXT TO ZAINA MANZIL,
KALYANANAGAR,
BANGALOR-560 043.

...PETITIONERS

(BY SRI. MOHAMMED TAHIR.,ADVOCATE)

AND:

1. STATE BY J C NAGAR P S
REPRESENTED BY STATE PUBLIC PROSECUTOR,
OFFICE AT HIGH COURT COMPLEX,
OPPOSITE TO VIDHANA SOUDHA,
BANGALORE-560 001.
2. ABDUL KAREEM
S/O KM AJEEM AUTISH
AGED ABOUT 52 YEARS,
R/AT FLAT NO.F-3,
MANIPAL VISTAS
NO.1, CONNAUGHT ROAD,
TASKER TOWN,
BANGALORE-560 001.

...RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1;
SRI. NAMEED AHMAD., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF CR.PC PRAYING TO QUASH THE FIR DATED 27.04.2023 I E CRIME NO.48/2023 REGISTERED BY THE JC NAGAR POLICE STATION AT ANNEXURE-A FOR THE ALLEGED OFFENCES PUNISHABLE U/S 120B, 406,420 506(B) R/W 34 OF IPC WHICH IS PENDING IN THE FILED OF 3RD ADDL CMM COURT AT BANGALORE WHEREIN THE PETITIONER NO.1 TO 4 ARE ARRAIGNED AS ACCUSED NO.1 TO 4 RESPECTIVELY.

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



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CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri. Mohammed Tahir, learned counsel for the petitioners, Smt. Waheeda M.M., learned High Court Government Pleader appearing for the respondent No.1 and Sri. Naveed Ahmed, learned counsel for the respondent No.2.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayers:

"Wherefore, it is most respectfully prayed before this Hon'ble court may kindly be pleased to quash the FIR dated 27/04/2023 i.e. crime no.48/2023 registered by the J.C Nagar Police Station, at Annexure-A for the alleged offences punishable U/s 120B, 406, 420, 506(B) R/w 34 of IPC which is pending in the files of 3rd ADDL CMM Court at Bangalore, wherein the Petitioners No.1 to 4 are arraigned as Accused No.1 to 4, respectively in the interest of Justice and equity."

3. Facts in the nutshell which are utmost necessary for disposal of the petition are as under:



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3.1 Respondent No.2 herein filed a complaint against the petitioners, which was registered as Crime No.48/2023 by J.C. Nagar Police Station, Bengaluru for the offences punishable under Sections 120B, 406, 420, 506(B) r/w Section 34 IPC.

4. Gist of the complaint averments is that the petitioners herein assured the complainant that they are in the business of Petrochemicals and they would fetch the same in a big container from Chennai, Tamil Nadu and they further do the business here, which would earn a good profit and therefore wanted the respondent No.2 to invest the money.

5. Based on such assurance, respondent No.2 invested the money by transferring the money through the Bank accounts and also availing loan from his friends and then invested further. Out of the initial money of Rs.26,00,000/-. It was assured by the petitioners to the respondent No.2 that sum of Rs.17,00,000/- is invested



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towards the security and therefore he need to bring more money and then assured that they would themselves get the loan of Rs.50,00,000/-. However, respondent No.2 managed to procure the money by obtaining loans from his friends and relatives, and then paid the sum of Rs.1,39,45,883/-. There are bank statements for the amount paid to the petitioners, which was part of the complaint itself with necessary details.

6. However, with regard to sum of Rs.25,54,500/-, which is said to have been paid by the respondent No.2 to the petitioners in cash, there is a serious dispute, as it is not evidenced by any document.

7. It is the case of the complainant that despite investing such huge amounts, when the complainant demanded for the profit from the Company, petitioners herein said to have told the complainant that the company is under loss and therefore no money can be made.



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8. After sufficient amount of persuasion to return the money invested by the complainant, a sum of Rs.82,90,000/-, said to have been returned. Complainant is to get back still a sum of Rs.82,10,383/- from the petitioners, apart from 60% profit in the business that has been carried out by investing the amount paid by the complainant and thus sought for action.

9. Respondent No.1-Police have registered the case and are required to investigate the matter and file appropriate final report in accordance with law.

10. The very registration of the FIR is called in question by the petitioners in this petition.

11. Sri. Mohammed Tahir, learned counsel for the petitioners, would contend that respondent No.2/complainant had earlier approached the City Crime Branch with a similar complaint and no action was taken, noting the fact that it is a civil liability. But again, the respondent No.2/complainant has approached the J.C.



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Nagar police station on the same set of facts, which is nothing but abuse of the process of law and thus sought for quashing the pending criminal complaint.

12. Per contra, Smt. Waheeda M.M., learned High Court Government Pleader appearing for the respondent No.1-State, would support the continuation of the investigation by contending that the investigation is still at the nascent stage and appropriate report could be filed, in case, if no case is made out against the petitioners herein.

13. Sri. Naveed Ahmed, learned counsel for the respondent No.2, would contend that the amount paid to the petitioners is evidenced by the Bank statements. Therefore, the contentions urged on behalf of the petitioners that no payment as contented in the complaint is made by the complainant to the accused persons, cannot be countenanced in law and thus sought for dismissal of the petition.



14. Having heard the arguments of both the parties, this Court perused the material on record meticulously.

15. On such perusal of the material on record would reveal that in the respect of sum of Rs.1,39,45,883/-, there are documents which would depict the payment made by respondent No.2 to the petitioners. However, with regard to balance amount of Rs.25,54,500/-, specific averment is made in the complaint itself, that it was paid in cash in the house of the petitioners herein.

16. In all, according to the complainant, he has invested Rs.1,65,00,383/-, of which, he has got return of the money to an extent of Rs.82,90,000/-, and balance amount is not paid besides the profit at 60%.

17. Whether at all, there was any element of fraud at the inception or is it a business loss is a matter that needs to be investigated and later on appropriate report is to be filed by the police.



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18. For the present, it cannot be said that it is a pure Civil liability, which has been given a colour of criminality. The Investigation Agency are the appropriate persons to investigate the matter and file appropriate report, as is contemplated under Section 173 of Cr.P.C. It is too premature for this Court, at this stage to arrive at a conclusion that there is no criminality at all involved in the incident.

19. As such, following:

ORDER

- i. Writ petition stands ***dismissed.***
- ii. All the available defences, including the explanations, if any, to be urged before the Investigation Officer/before the concerned Court in accordance with law.

**SD/-
(V SRISHANANDA)
JUDGE**

RL/- List No.: 2 Sl No.: 3