



NC: 2026:KHC:49384
CRL.P No. 2499 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.2499 OF 2019

BETWEEN:

1. D S JHUNJHUNWALA
S/O S R JHUNJHUNWALA
AGED ABOUT 68 YEARS
 2. ABHA JHUNJHUNWALA
W/O D S JHUNJHUNWALA
AGED ABOUT 65 YEARS
 3. ARCHIT JHUNJHUNWALA
S/O D S JHUNJHUNWALA
AGED ABOUT 43 YEARS
- ALL R/AT NO.1189, B
13TH MAIN, HAL 2ND STAGE
INDRANAGAR
BANGALORE-560029

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI NAGARAJ S JAIN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH ULSOOR POLICE
BANGALORE
REP. BY STATE PUBLIC PROSECUTOR



CNR: KAHC010245652019

NC: 2026:KHC:49384
CRL.P No. 2499 of 2019

HIGH COURT BUILDING
BANGALORE

2. V MUNIYAN
THE ENFORCEMENT OFFICER
EMPLOYEES PROVIDENT FUND
OFFICE OF THE REGIONAL
PROVIDENT FUND COMMISSIONER
BHAVISHYANIDHI BHAVANA
NO.13, RAJA RAMMOHAN ROY ROAD
P B NO.2584, BANGALORE-560025

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SMT. NANDITA HALDIPUR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.10649/2004 ON
THE FILE OF THE IV ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE BANGALORE AND ETC.

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

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

ORAL ORDER

This matter is listed for admission. Heard the learned
counsel appearing for the petitioners and the learned High
Court Government Pleader appearing for the State and also the
learned counsel appearing for respondent No.2.



2. This petition is filed praying this Court to quash the entire proceedings in C.C.No.10649/2004 on the file of IV Additional Chief Metropolitan Magistrate, Bengaluru.

3. The learned counsel appearing for the petitioners would contend that the offences invoked against the petitioners is Sections 406 and 409 read with Section 34 of IPC. The counsel would contend that the amount in due was already deposited and the company has paid the entire amount as alleged in the charge sheet i.e., an amount of Rs.1,98,553/- for the period from April 2003 to June 2003 along with the amounts pertaining to other periods totally amounting to Rs.16,97,963/- as per the determined of dues made by the Provident Fund Authority, that too, well before filing of the charge sheet by the police.

4. The counsel appearing for the respondents also not disputed the said fact but contend that the FIR was registered on 28.09.2003 and payment was made in the month of April 2004 that is subsequent to the registration of the case.



CNR: KAHC010245652019

NC: 2026:KHC:49384
CRL.P No. 2499 of 2019

5. Having heard the learned counsel appearing for the respective parties and on perusal of the material on record, it discloses that there is no dispute with regard to the payment of amount is concerned. The coordinate Bench of this Court is also in CrI.P.No.3015/2016 connected with CrI.P.No.4680/2016 having considered the similar situation in C.C.Nos.10647/2004 and 10648/2004, in paragraph 5 extracted the contribution deducted by the petitioners has been subsequently remitted to the Employees Provident Fund on different dates and comes to the conclusion that considering identical situations in all the decisions referred above, this Court has quashed the proceedings initiated against the accused therein on the ground that in view of the remittances along with interest and damages, further prosecution of the petitioners is unnecessary.

6. Having taken note that in the similar facts and circumstances, the coordinate Bench of this Court already exercised its powers under Section 482 of Cr.P.C. and in the case on hand also there is no dispute regarding the remittances is concerned. The only ground urged by the counsel for the respondents is that payment is made subsequent to the



CNR: KAHC010245652019

registration of the FIR but no dispute regarding payment is concerned. Under the circumstances, continuing of this criminal proceedings against the petitioners herein is unnecessary as observed by coordinate Bench of this Court. Hence, the petitioners are made out the grounds to quash entire proceedings in C.C.No.10649/2004.

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

ORDER

The petition is allowed.

The entire proceedings initiated against the petitioners in C.C.No.10649/2004 is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN