



CNR: KAHC010248582024

NC: 2026:KHC:50047
CRL.P No. 3886 of 2024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 15TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 3886 OF 2024**

BETWEEN:

1. SRI.VEERESH NAGARAJ
S/O M. NAGARAJ T.V
AGED ABOUT 48 YEARS
DGM SALES AND SERVICES
RESIDNG AT NO 316
B BLOCK, DS MAX SPLENDOUR
KEREGUDDADAHALLI,
NEAR GANGADHARIAH,
KALYAN MANTAPA,
CHIKAKBANAVARA,
BENGALURU – 560 090
2. SRI. M.RAJA MURUGAN
S/O M.MUNISWAMY
AGED ABOUT 43 YEARS
DGM FINANCE,
YANMAR COROMANDEL,
AGRISOLUTIONS PRIVATE LIMITED,
NO 19, QAISER TOWER
1ST FLOOR, KADER NAWAZ KHAN ROAD
NUNGAMAKKAM, CHENNAI – 600 006

RESIDING AT
NO 89, OLD NO 18
KAMARAJAR STREET
ANNA NAGAR, MADURAI – 625 020

...PETITIONERS

(BY SRI.MURTHY D.NAIK, SR.COUNSEL AND
SRI.KEERTI KUMAR, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA
BY THE SUP INSPECTOR OF POLICE
VIDYANAGAR POLICE STATION,
DAVANAGERE SUB DIVISION,
DAVANAGERE,

REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001

2. SMT.LEELA TULASI
W/O SURESH CHEKURI
AGED ABOUT 40 YEARS
R/AT NO 1923/F3,
2ND FLOOR, SRI DEVI NILAYA,
5TH MAIN, SWAMY VIVEKANANDA BADAVANE,
DAVANAGERE – 577 005

...RESPONDENTS

(BY SRI. MAHESH.P.HCGP FOR R1;
SRI. MARUTHI.G.B, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.PC. PRAYING TO
QUASH THE FIR BEARING CR.NO.92/2024 DATED 17.04.2024,
REGISTERED BY THE VIDYANAGAR P.S. DAVANAGERE CITY
SUB DIVISION DAVANAGERE FOR THE OFFENCE P/U/S
506,34,406,420 OF IPC PENDING ON THE FILE OF THE I
ADDL.(SR.DN) CIVIL JUDGE AND J.M.F.C COURT DAVANAGERE
VIDE ANNEXURE-A.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This criminal petition is filed under Section 482 of Cr.P.C. to quash the FIR against the petitioners/accused Nos.1 and 2 in Crime No.92/2024 registered by Vidyanagar Police Station for the offences punishable under Sections 506, 34, 406 and 420 of IPC, presently pending on the file of the I Additional (Sr.Div.) Civil Judge and JMFC Court, Davanagere (for short, 'the Trial Court').

2. The brief facts of the case are that respondent No.2, who was on summer vacation with her children, received a call from her mother-in-law, namely Shanta, on 15.04.2024 at about 12.00 p.m., informing her that her husband, namely Suresh Chekuri, had attempted to commit suicide and had been shifted to the hospital for treatment.

3. Thereafter, when respondent No.2 went to her house to collect some clothes, she found a note beneath the



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pillow. On perusal of the said note, she noticed the names of certain officials of M/s. Yanmar Company in connection with the dealership allotted to her husband. It was alleged that the said officials had failed to provide the necessary technical support in respect of the dealership, thereby cheating and threatening her husband.

4. On the basis of the said allegations, respondent No.2 lodged a complaint before respondent No.1-Police against the petitioners and the company, arraigning the petitioners as accused Nos.1 and 2. Pursuant thereto, respondent No.1-Police registered Crime No.92/2024, as stated supra. Being aggrieved by the same, the petitioners filed this petition to quash the FIR and subsequent proceedings.

5. Heard the learned Senior Counsel for the petitioners, learned counsel for respondent No.2 so also learned HCGP.

6. Apart from urging several contentions, learned Senior Counsel for the petitioners contended that the husband of respondent No.2 was a dealer of the petitioners' company.



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He had purchased machines from the said company on credit basis up to January 2021 and, as on 31.03.2021, an amount of Rs.1,52,00,124/- was due and payable by him to the petitioners' company. Thereafter, he made certain payments amounting to Rs.63,00,374/-, and as on 13.06.2022, a sum of Rs.96,06,654/- remained due.

7. It was further contended that towards part payment of the said outstanding amount, the husband of respondent No.2 issued a cheque for a sum of Rs.50,00,000/- in favour of the petitioners' company. However, the said cheque was dishonoured, pursuant to which the petitioners' company initiated proceedings under Section 138 of the Negotiable Instruments Act, 1881, by filing a private complaint. The said proceedings culminated in an order of conviction. It is contended that the present complaint came to be lodged within twenty days of the said order of conviction, which clearly indicates that the complaint has been filed out of vengeance against the petitioners.

8. It was also contended that, even if the allegations contained in the complaint are taken at their face value, the



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essential ingredients of the offences punishable under Sections 420, 406 and 506 of IPC are not made out against the petitioners. Further submits that, except the petitioners, there is no other person holding the post of Managing Director in the company. Accordingly, he prays to allow the petition and quash the proceedings against the petitioners.

9. *Per contra*, learned counsel for respondent No.2 contended that, subsequent to the conviction in the proceedings under Section 138 of the Negotiable Instruments Act, the petitioners started harassing the husband of respondent No.2 on a daily basis by demanding payment of the outstanding amount arising out of the dealership.

10. It is further contended that, in terms of the dealership agreement, the petitioners failed to provide adequate service and technical support, resulting in substantial financial loss to the husband of respondent No.2. Learned counsel further submits that, owing to the continuous threats to his life, the husband of respondent No.2 attempted to commit suicide and, in that regard, left a death note containing allegations against the petitioners. Accordingly, learned counsel



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contended that the complaint and the material available on record disclose a prima facie case against the petitioners for the alleged offences. Hence, he prays to dismiss the petition.

11. Learned HCGP opposed the prayer of the petitioners and submits that the proceedings is still in the crime stage and the police have to record the statement of material witnesses. As such, he prays to dismissed the petition.

12. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and perused the materials available on record.

13. As could be gathered from the complaint averments, the husband of respondent No.2 was a dealer of the petitioners' company and as on 13.06.2022 he was owing a total sum of Rs.96,06,654/- to the petitioners' company. Thereafter, he issued a cheque for sum of Rs.50,00,000/-. The said cheque was got bounced and the company initiated the proceedings for the offence under Section 138 of NI Act and the same was ended up with a conviction in S.T.C.No.7284/2022 dated 28.03.2024 on the file of XXV Metropolitan Judicial



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Magistrate Court, Egmore, Chennai. Later on 17.04.2024 i.e., after 20 days of the said judgment, respondent No.2 lodged this complaint against the petitioners and another alleging that they harassed her husband, as such, he made an attempt to commit suicide.

14. The complaint is considered on the backdrop of above factual aspects, it could be gathered that the complaint is filed out of vengeance against the petitioners, since the husband of respondent No.2 was owing an amount of Rs.96,06,654/- to the petitioners' company, apart from that he has already convicted for the offence punishable under Section 138 of NI Act for the cheque bounce of Rs.50,00,000/-. On perusal of the judgment in STC No.7284/2022, it reveals that husband of respondent No.2 availed all the defence and contested the said proceedings, despite he has been convicted by the XXV Metropolitan Judicial Magistrate Court, Egmore, Chennai.

15. In such circumstances, the complaint averments on face of it reveals that the same is filed out of vengeance. The Hon'ble Apex Court in the case of **MOHAMMED ALI AND**



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OTHERS VS. STATE OF UP - 2023 (15) SCC 488 in

paragraph No.11 to 14 held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the



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evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious



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redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused



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with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in



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the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

"5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or



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continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value



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and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial



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process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

16. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, the said findings are squarely applicable to the present case. Though



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the case is in the crime stage, the Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in **2023 SCC OnLine SC 951**, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a



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case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

17. There is no such bar that if the police have not filed any charge sheet, the proceedings cannot be quashed. Applying the above principles to the fact and circumstances of this case, I am of the view that the proceedings against the petitioners is liable to be quashed. Even if the entire allegations contained in the complaint are taken at their face value, the same do not disclose the commission of any offences by the petitioners. In such circumstances, continuation of the proceedings against the petitioners/accused Nos.1 and 2 would amount to an abuse of the process of the Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/Accused Nos.1 and 2 in Crime No.92/2024 registered by Vidyanagar Police Station for the offences punishable under



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Sections 506, 34, 406 and 420 of IPC,
presently pending on the file of the I
Additional (Sr.Div.) Civil Judge and JMFC
Court, Davanagere, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 1