



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.5920 OF 2019

BETWEEN:

SRI C.S.HASHIM SAEED
S/O LATE DR.C.S.SYED ALAM
AGED ABOUT 74 YEARS
R/AT DR. ALAM'S ESTATES
SHANTHI LAYOUT
RAMAMURTHY NAGAR
BENGALURU - 560 016.

...PETITIONER

(BY SRI NARASIMHA MURTHY K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001.
2. THE STATE OF KARNATAKA
BY ITS PRINCIPLE SECRETARY
REVENUE DEPARTMENT
M.S. BUILDINGS, K.R. CIRCLE
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
KANDAYA BHAVAN
KEMPEGOWDA ROAD
BENGALURU - 560 009.
4. THE TAHASILDAR
BENGALURU EAST TALUK
KRISHNARAJAPURAM
BENGALURU - 560 036.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



5. THE INSPECTOR OF POLICE
K.R. PURAM POLICE STATION(32)
KRISHNARAJAPURAM
BENGALURU - 560 036
BY S.P.P.

...RESPONDENTS

(BY SMT.SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S 482 PRAYING THAT TO QUASH THE COMPLAINT DATED 26.12.2018, FILED BY THE RESPONDENT NO.4 AGAINST THE PETITIONER IS CONCERNED WHICH IS PRODUCED AND MARKED AS ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging complaint dated 26.12.2018 filed by respondent no.4 and registered as Crime no.662/2018 by K.R. Puram Police Station for offences punishable under Sections 34, 420, 468, 471 and 447 of Indian Penal Code, 1860 (**IPC**) presently stated to be pending on file of X Additional Chief Metropolitan Magistrate, Mayohall, Bengaluru, this petition is filed.

2. Sri K. Narasimha Murthy, learned counsel for petitioner appearing through Video Conferencing submitted that



respondents - State on conclusion of investigation filed a 'B'-report on 10.12.2020. Despite lapse of sufficient time, learned Magistrate has not passed any orders thereon and therefore submitted that petition could be disposed of by directing learned Magistrate to pass appropriate orders in accordance with law.

3. Smt.Sowmya R., learned HCGP respondents - State, fairly submitted that she has no objections for disposal of petition as prayed.

4. Heard learned counsel and perused material on record.

5. As stated by counsel on both sides, 'B'-report is stated to have been filed on 10.12.2020. This Court in case of **Dr.Ravikumar v. KMC Vasantha and Anr.**, reported in **ILR 2018 Kar 1725** has clarified procedure to be followed on filing of 'B'-report as follows:

"5. The procedure followed by the Learned Magistrate is not in accordance with law. It is well recognized principle of law that, once the Police submit 'B' Summary Report and protest petition is filed to the same, irrespective of contents of the protest petition, the Court has to examine the contents of 'B' Summary Report so as to ascertain whether the Police have done investigation in a proper manner or not and if the Court is of the opinion that the



investigation has not been conducted properly, the Court has got some options to be followed, which are,-

- i) The court after going through the contents of the investigating papers, filed u/s 173 of Cr. P.C., is of the opinion that the investigation has not been done properly, the court has no jurisdiction to direct the Police to file the charge sheet however, the Court may direct the Police for re or further investigation and submit a report, which power is inherent under section 156(3) of Cr. P.C., but before taking cognizance such exercise has to be done. This my view is supported by the decisions of the Hon' ble Apex Court in a decision reported in between **ABHINANDAN JHA V. DINESH MISHRA** [AIR 1968 S.C. 117.] (para 15) and also Full Bench decision of Apex Court in between **Kamalapati Trivedi v. State of West Bengal** [(1980) 2 SCC 91.] (second head note.)
- ii) If the court is of the opinion that the material available in the 'B' Summary Report makes out a cognizable case against the accused and the same is sufficient to take cognizance, and to issue process, then the court has to record its opinion under Sec. 204 of Cr. P.C., and the Court has got power to take cognizance on the contents of 'B' Summary Report and to proceed against the accused, by issuance of process.
- iii) If the court is of the opinion that the 'B' Summary Report submitted by the Police has to be rejected, then by expressing its judicious opinion, after applying its mind to the contents of 'B' report, the court has to reject the 'B' Summary Report.
- iv) After rejection of the 'B' Summary Report, the court has to look into the private complaint or Protest Petition as the case may be, and contents therein to ascertain whether the allegations made in the Private complaint or in the Protest Petition constitute any cognizable offence, and then it can take cognizance of those offences and thereafter, provide opportunity to the complainant to give Sworn Statement and also record the statements of the witnesses if any on the side of the complainant as per the mandate of Sec. 200 Cr. P.C.



- v) If the court is of the opinion that the materials collected by the police in the report submitted under section 173 of Cr. P.C. are not so sufficient, however, there are sufficient materials which disclose that a cognizable offence has been committed by the accused, the court can still take cognizance of the offence/s under Section 190 read with 200 Cr. P.C. on the basis of the original complaint or the protest petition as the case may be. After taking cognizance and recording sworn statement of the complainant and statements of witnesses if any and also looking into the complaint/Protest Petition and contents therein, if the Magistrate is of the opinion that, to ascertain the truth or falsity of the allegations further inquiry is required and he thinks fit to post pone the issue of process he can still direct the investigation under section 202 of Cr. P.C., to be made by a Police officer or by such other officer as he thinks fit, to investigate and submit a report, for the purpose of deciding whether or not there is sufficient ground for proceeding against the accused. In the above eventuality, care should be taken that, the case shall not be referred to the Police under section 156(3) of Cr. P.C., once the magistrate takes cognizance and starts inquiring into the matter himself.
- vi) After taking such report under section 202 of Cr. P.C., and looking to the entire materials on record, if the magistrate is of the opinion that there are no grounds to proceed against the accused, then the Magistrate is bound to dismiss the complaint or the Protest Petition u/s. 203 of Cr. P.C. as the case may be.
- vii) If in the opinion of the Magistrate there are sufficient grounds to proceed against the accused, on examination of the allegations made in the Protest Petition or in the complaint, as the case may be and also after perusal of the sworn statement, then he has to record his opinion judiciously, and issue summons to the accused by exercising power u/s. 204 of Cr.P.C."



6. In view of submission that 'B' report is filed but no order passed thereon, petition is ***disposed of*** by directing learned Magistrate to pass appropriate orders on 'B'-report after following procedure as laid down in **Dr.Ravikumar's** case.

All contentions of petitioner urged herein are kept open.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 SI No.: 26