



CNR: KAHC010254542019

NC: 2026:KHC:48586
CRL.P No.5654/2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 8TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
CRIMINAL PETITION NO.5654/2019

BETWEEN:

1. SRI. H.T. MANJUNATHA
S/O LATE H.P. THAMMAIAH NAIK
AGED ABOUT 62 YEARS
AGRICULTURIST
R/O THANIKODU
SUNKADAMAKKI GRAMA
NEMMAR POST, SRINGERI TALUK
CHIKKAMAGALUR DISTRICT-577101.

...PETITIONER

(BY SRI. LEELADHAR H.P. ADV.,)

AND:

1. H.T. CHANDRASHEKARA
S/O LATE H.P. THAMMAIAH NAIK
AGED ABOUT 64 YEARS
NO.323, 2ND A MAIN, 10TH CROSS
GOKULAM, 3RD MAIN
MYSURU-570001.
2. H.T. KRISHNAMURTHY
S/O LATE H.P. THAMMAIAH NAIK
AGED ABOUT 58 YEARS
ASSISTANT PROFESSOR IN KANNADA
SENIOR, DVS COLLEGE
SHIVAMOGGA 577201.
3. SMT. RAJAMMA
W/O LATE H.P. THAMMAIAH NAIK

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 81 YEARS
R/O THANIKODU
SUNKADAMAKKI VILLAGE
NEMMAR POST
SRINGERI TALUK 577101.

PRESENTLY RESPONDENT NO.3
RESIDING AT NO.323
2ND A MAIN, 10TH CROSS
GOKULAM, 3RD MAIN
MYSURU-570001.

4. STATE BY SRINGERI POLICE STATION
KOPPA SUB DIVISION
CHIKKAMAGALURU DISTRICT 577139
REP BY SPP
HIGH COURT BUILDINGS
BANGALORE-560001.

...RESPONDENTS

(BY SRI. G.R. ANANTHARAM, ADV., FOR R1 TO R3
SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R4)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE B-REPORT SUBMITTED BY THE 4th RESPONDENT ON 25.08.2016 RECEIVED ON 31.09.2016 IN CRIME NO.63/2016 (PC NO.11/2016) ON THE FILE OF THE CIVIL JUDGE AND JMFC SRINGERI FOR THE OFFENCE P/U/S.420, 406, 404, 403 R/W SEC.34 OF IPC. QUASH THE ORDER DATED 08.03.2018 ACCEPTING THE B-REPORT, BY THE CIVIL JUDGE AND JMFC SRINGERI, IN CRIME NO.63/2016 (PC NO.11/2016) FOR THE OFFENCE P/U/S.420, 406, 404, 403 AND R/W SEC.34 OF IPC & ETC.

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

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



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ORAL ORDER

The petitioner filed a private complaint in PCR.No.11/2016 before the Civil Judge and JMFC, Sringeri, which referred the matter for investigation. Respondent No.4-Police, after the investigation, have filed a 'B' report. The same was challenged before the trial Court, and the trial Court, subsequently accepted the 'B' report. Aggrieved by the said order, the complainant preferred a criminal revision petition before the Principal District & Sessions Judge, Chikkamagaluru, which came to be dismissed.

2. The revisional Court having considered the grounds urged in the revision petition and considering the submissions of learned counsel for the accused/respondents that, in OS.No.272/2002, which was filed for partition, the claims were not made by the complainant and for the first time, he made claim for the said amount; the complainant and his another brother



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Sadhashiva had received the amount kept in the fixed deposit by their father, on the strength that they were nominees and nothing is whispered in the complaint regarding the said amount, the Revisional Court taking note of the material on record, recorded a finding that only a criminal colour is given to the civil dispute between the parties and even if the case of complainant is unrebutted, there is no chance of framing of charge or convicting the accused on the basis of the said allegation. The allegation is purely civil in nature and it does not constitute any offence under the provisions of IPC, hence dismissed the revision petition. Being aggrieved by the finding of both the trial Court accepting the 'B' report as well as the confirmation by the Revisional Court, the present petition is filed.

3. The learned counsel appearing for the petitioner vehemently contends that both the Courts have failed to take note of very ingredients of the offence punishable



under Section 420 of the IPC and the very offence is invoked against the respondents herein is for the offence punishable under Section 420 of the IPC. He further submits that nomination was only made for the purpose of withdrawal of the amount from the bank and not for disbursing the amount among themselves. Hence, he contends that the matter requires interference.

4. Per contra, the learned counsel appearing for the respondents submits that the dispute between the parties is purely civil in nature and the RSA is pending before this Court for adjudication. He submits that the respondents were nominated by their father and, in view of their nomination only, they withdrew the amount from the bank. Therefore, the question of invoking the offence under Section 420 of the IPC does not arise.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and considered the reasons assigned by the



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police while filing the 'B' report, the same was taken note of by the trial Court. The trial Court considering the reasoning given in the 'B' report and subsequently considered the evidence of the complainant and having considered the same, accepted the 'B' report and the same is challenged before the Revisional Court. The Revisional Court also comes to the conclusion that the question of invoking the offence under Section 420 of the IPC doesn't arise as the dispute between the parties is with regard to the FD amount. When civil suit is also filed and in view of the submission that RSA is also pending before this Court, the question of invoking the ingredients of the offence under Section 420 doesn't arise. Hence, I do not find any grounds to entertain this petition to set aside the 'B' report submitted by respondent No.4, the impugned order of the trial Court accepting the 'B' report and the confirmation order passed by the Revisional Court. The Revisional Court also given the reasons that issue between the parties is civil in nature and the same could be decided in civil



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dispute between the parties. Hence, no ground is made out to entertain this petition and accordingly, the petition is ***dismissed***.

If the parties are entitled to any share in the FD amount, such entitlement may be determined only in civil proceedings and cannot give criminal colour to the civil dispute.

**Sd/-
(H.P.SANDESH)
JUDGE**

ABK
List No.: 1 Sl No.: 20