



CNR: KAHC010255082019

NC: 2026:KHC:51908
CRL.P No. 6204 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.6204 OF 2019

BETWEEN:

1. SRI SUBBINENI SUBHASH
S/O LATE SRI CHINNAIHA SABBINENI
AGED ABOUT 50 YEARS
DESIGNATED PARTNER
M/S RIDRI HOSPITALITY LLP
R/O NO.3, DREAM VALLEY
8-1-405/A/3, SHAIKPET
NEAR OSMANIA, UNIVERSITY COLONY
HYDERABAD – 500089
2. SMT SUPRABHA KRISHNA
D/O SRI KOTAIAH PATCHAVA
W/O SRI NARAYANA VENKATA KRISHNA
AGED ABOUT 66 YEARS
DESIGNATED PARTNER
M/S RIDRI HOSPITALITY LLP
R/O NO.8-2-688/B/4,
OPP, KAMAN, BANJARA HILLS
ROAD NO.12, HYDERABAD – 500 034

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI VAISHALI HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BELLANDURU POLICE STATION
BANGALORE - 560068



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BANGALORE DISTRICT
REP BY ITS SPP
HIGH COURT OF KARNATAKA
BENGALURU – 560001

2. SRI NIRAJ JHA
S/O LATE SRI ANIL KUMAR JHA
AGED 38 YEARS
PARTNER
M/S RIDRI HOSPITALITY LLP
(HOOT CAFE & BREWERY)
SARJAPUR ROAD, KAIKONDRAHALLI
BANGALORE
ALSO AVAILABE AT KU-42ND FLOOR
NEAR RAM LEELA GROUND
PITAMPURA, DELHI – 110034

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R2;
V/O DT.13.07.2026, SERVICE AGAINST R2 IS H/S)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR AND COMPLAINT BEARING CR.NO.250/2019
DATED 08.08.2019 REGISTERED WITH BELLANDURU P.S.,
BENGALURU CITY PENDING ON THE FILE OF THE 4TH A.C.M.M.,
COURT, NRUPATUNGA ROAD, BENGALURU VIDE ANNEXURE-A
AND B AND 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

This petition is filed praying this Court to quash the FIR and complaint in Cr.No.250/2019 dated 08.08.2019 for the offences punishable under Sections 354B, 506, 406, 420, 504 read with Section 149 of IPC registered with Bellanduru police pending on the file of 4th Additional CMM Court, Bengaluru.

2. Heard the learned counsel appearing for the respective parties. Inspite of service of notice on the complainant, he did not choose to appear before the Court or engage the counsel.

3. The main contention of the petitioners who have been arraigned as accused Nos.1 and 2 before this Court that the allegation made in the complaint is very clear that there was an incident earlier and subsequently, the parties have entered into MOU and in terms of the MOU, parties have not acted upon. Hence, mentioning the earlier date, a complaint was filed.

4. The counsel would contend that the petitioners have not committed any offences as alleged in the complaint



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dated 07.08.2019 filed on 08.08.2009 by the second respondent and in the FIR dated 08.08.2019, a false allegations are made. The counsel also would vehemently contend that there was a transaction between the petitioners and respondent No.2 and the same are purely civil in nature. The reading of the complaint itself discloses that the earlier date of incident i.e., 28.03.2019 was referred and no such incident was taken place and also no complaint was given to that effect. The counsel also would submit that based on filing of O.S.No.3812/2019 by the petitioners on 31.05.2019 vide Annexure-F; also filing of O.S.No.152/2019 by petitioners herein on 01.06.2019 as per Annexure-J; the appearance of respondent No.2 on 05.07.2019 in O.S.No.152/2019' and also much after the interim order dated 12.06.2019 passed by the High Court in W.P.No.24341/2019 vide Annexure- H, the present complaint is filed. The counsel also vehemently contend that when the dispute between the parties are civil in nature, the complaint does not disclose the ingredients of the offences 406 and 420 of IPC. It is contended that the petitioners have not paid the amounts as per the MOU and were also not paying the profits



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of the company. Hence, given the criminal colour in respect of the MOU between the parties are concerned.

5. The counsel also brought to notice of this Court that the earlier complaint was given in terms of Annexure-D by the first petitioner against the complainant, but the same is not pursued in view of the subsequent MOU between the parties. Hence, it is nothing but an abuse of process and the question of invoking the criminal offences does not arise.

6. Per contra, the counsel appearing for the State would submit that in view of the incident dated 28.03.2019, offences of 354B and 506 were invoked in respect of breach of the trust and in respect of the fraud on the complainant and also an abuse is concerned, the other offences are invoked. The counsel would contend that matter requires the investigation and question of quashing the same does not arise.

7. Having heard the learned counsel appearing for the respective parties and on perusal of the material on record, it discloses that though complainant filed the complaint, but did not pursue the same and even did not choose to engage the



counsel or to appear in person before the Court. Having taken note of the factual aspects, it discloses that in terms of the Annexure-D, already complaint was given to the Deputy Commissioner of Police and the Deputy Commissioner of Police, Whitefield Division, Bangalore City forwarded the same to the PI, Bellandur for taking of action as per the law and the endorsement is also available in Annexure-D. It is also not in dispute that there was an MOU between the parties. Apart from that incident dated 28.03.2019 was referred and to that effect, no complaint was filed and there is a clear dispute between the parties with regard to the non performing of the terms of the MOU. Having taken note of the allegations made in the complaint as well as column 10 of the FIR, it is very clear that there is a civil dispute between the parties. When such MOU was between the parties, specific allegation is made in the complaint that in terms of MOU, they have not acted upon and they have not given any profit and committed an offence of fraud. When there is no allegation of fraud at the inception of the transaction, question of invoking the offence of 406 also does not arise and so also in respect of the offences of 354B,



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504, 506 are concerned. When the incident was taken place on 28.03.2019, no complaint was filed, except referring the earlier incident in the complaint. It is nothing but a case of abuse of process with regard to the civil dispute between the parties in respect of the MOU is concerned.

8. The judgment of the Apex Court in the case of **DINESHBHAI CHANDUBHAI PATEL vs STATE OF GUJARAT** reported in **AIR 2018 SC 314** is also very clear that if complaint discloses commission of offence, then only the Investigating Officer has to investigate the matter and unearth the truth. But in the case on hand, no such ingredients are found in the complaint. Hence, it is a case for quashing of the proceedings or otherwise, it leads to miscarriage of justice.

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

ORDER

- (i) The petition is allowed.
- (ii) The FIR and complaint in Cr.No.250/2019 dated 08.08.2019 for the offences punishable



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under Sections 354B, 506, 406, 420, 504 read with Section 149 of IPC registered with Bellanduru police pending on the file of 4th Additional CMM Court, Bengaluru is hereby quashed.

- (iii) In view of disposal of the main petition, I.A. if any, does not survive for consideration and the same stands disposed of.

Sd/-
(H.P.SANDESH)
JUDGE

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