



CNR: KAHC010270432020

NC: 2026:KHC:45939
CRL.P No. 562 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 562 OF 2021

BETWEEN:

1. MR. V DEEPAK KUMAR
S/O R VENKATESH
AGED ABOUT 35 YEARS
2. R VENKATESH
S/O SWAMYNATHAN
AGED ABOUT 70 YEARS

BOTH ARE R/O NO.38/1
3RD CROSS, LINGAIAHNA PALYA
JOGU PALYA, ULSOOR
BANGALORE - 560 008.

PRESENTLY R/A NO.27/C
MARAPPA ROAD, ULSOOR
BENGALURU - 560 008.
PRESENTLY R/A NO.27/C

...PETITIONERS

[BY SRI MUNISWAMY GOWDA H., ADVOCATE (PH)]

AND:

1. STATE BY HALASUR POLICE STATION
REP BY THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 01.
2. MR. V RAVICHANDER
S/O LATE R VENKATESH
AGED ABOUT 49 YEARS
PERMANENT R/O NO.25

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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G NO.8TH STREET,
JOGUPALAYA, ULSOOR
BENGALURU - 560 008.

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...RESPONDENTS

[BY SRI SURYA MUKUNDARAJ L., ADDL. SPP FOR R1 (PH);
NOTICE TO R2 - SERVED & UNREPRESENTED]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH PROCEEDINGS IN C.C.NO.53208/2020 FOR OFFENCES P/U/S 380 OF IPC REGISTERED BY HALASUR POLICE, NOW PENDING ON THE FILE OF THE X ACMM, BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging the entire proceedings in CC no.53208/2020 on file of X ACMM, Bengaluru for offence punishable under Section 380 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri H. Muniswamy Gowda, learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 and 2 in complaint filed by respondent no.2 (**complainant**) on 01.12.2017 with Ulsoor Police Station stating that complainant was working as an Office Attender in postal department. It was stated that Deepak Kumar V.,



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(**accused no.1**) was his nephew, who with fraudulent intention misrepresented complainant and got executed Gift Deed dated 04.12.2015 from complainant on pretext of assisting complainant in partition dispute between complainant and his sons over property bearing new no.25 (old no.15A) situated at Jogupalya, Halasuru (**property**). His fraudulent intention came to light later through a third person, who informed that accused no.1 was trying to sell said property to third parties. Thereafter, complainant revealed same to his elder son. It was stated that accused no.1 used to frequent complainant's house. That property in question devolved on complainant under a Will dated 16.01.1995 executed by his father. It was further stated that he came to know about accused stealing his wife's jewels and pledging same with local pawn broker. Thus, on enquiry, it was revealed that accused had played fraud. Gift Deed was got executed by taking advantage of illiteracy of complainant by claiming it to be Partition Deed. It was stated that guilt was accepted under a notarised Memorandum of Understanding dated 20.09.2017 as well as before Sub-Inspector of Police, Ulsoor and had assured to rectify his mistakes under letter dated 28.10.2017. But later he came to know that accused had



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mortgaged property with Bangalore City Co-operative Bank to raise a loan of Rs.57 Lakhs. On learning that accused had committed similar type of fraud against other innocent persons and fed up with issue sought to find him but was unable to trace accused, who had absconded. Therefore, complaint was filed. Said complaint was registered as Crime no.458/2017 for offence punishable under Section 380 of IPC. After investigation, charge sheet was filed arraigning petitioners for offence under Section 380 of IPC.

3. It was firstly submitted that entire complaint averments were indicative of pure civil dispute as it was with regard to immovable property. Allegations insofar as offence were as an add-on by way of handwriting to typed complaint, only to implicate accused for more severe offence. It was submitted that complainant had also filed OS no.25517/2018 before XIII Additional City Civil and Sessions Judge, Bengaluru, wherein similar allegations with regard to immovable property were made. Said suit was later got dismissed as withdrawn as amicably settled. Same would indicate that complainant had resorted to criminal proceedings to pressurize accused to settle



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civil disputes. This would substantiate that filing of complaint was abuse of process and sought for quashing.

4. It was vehemently contended that statement of CW.6 would favour petitioners. In his statement, CW.6 had stated that after filing of complaint, complainant had visited his shop, handed over original pawn receipt and redeemed pledge. Said submission would indicate that original pawn receipt was with complainant himself and same would also establish that complainant himself had pawned jewelry and sought to implicate petitioners of offence of theft. On above ground sought for quashing.

5. It was alternatively submitted that even if entire charge sheet and complaint averments were to be examined, they would at best establish offence of theft against accused no.1 and there was no material against accused no.2 and sought for quashing of proceedings at least against accused no.2.

6. Respondent no.2-complainant is served and unrepresented.



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7. On other hand, Sri Surya Mukundaraj L., learned Addl.SPP for respondent no.1-State sought to oppose petition. At outset, it was submitted that complaint in question was filed on 01.12.2017 much prior to filing of suit, which was on 23.04.2018. Complainant had made clear allegations against petitioners of stealing jewelry from custody of complainant and pledging them at a pawn shop. Said allegation was corroborated by statements of complainant as CW.1 pawning of jewelry was substantiated by Mahazar to which CWs.2 to 5 were witnesses. It was further submitted though CW.6 had stated that pawned item was redeemed by complainant, statement of CW.7 - father of CW.6 and co-owner of pawn shop had clearly stated that at time of pawning of jewelry, two persons had come and had identified petitioners as said persons. Same would corroborate charge sheet imputations and on mere contradictions or inconsistencies between statements of charge sheet witnesses, quashing of proceedings would not be justified and same would be matter for trial.

8. It was lastly submitted though Section 34 of IPC was not invoked, trial Court at time of framing charges would be empowered to invoke any further provisions and same



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would also not be a ground for quashing. On said grounds sought for dismissal.

9. Heard learned counsel and perused material on record.

10. This petition is by accused no.1 and 2 seeking for quashing of entire proceedings for offence punishable under Section 380 of IPC.

11. Main ground urged is that entire dispute and complaint being purely civil in nature and complainant having availed said remedy and said remedy. Though perusal of complaint dated 01.12.2017 would indicate grievance of complainant against accused no.1 - his nephew to be in relation to immovable property, there is specific assertion about theft of jewelry by accused. Indeed, learned counsel for petitioners would be justified in saying that there were handwritten additions to typed complaint. But, same would not inure much to petitioners as basic assertion about theft was part of complaint and only particulars were added by hand, which would not be material or fatal irregularity.



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12. Hon'ble Supreme Court has time and again held merely on ground that both civil and criminal remedies were available would not by itself be a ground for quashing of criminal proceedings if essential ingredients of offences are established. Offence alleged herein is of theft. Complainant has clearly stated that accused, who used to frequent house of complainant and had dishonestly removed jewelry from custody of complainant, which were kept in *Almirah*, took them away and pledged them with CWs.6 and 7. Therefore, taking away of property from possession of complainant without complainant's consent appear to have been *prima facie* established. Therefore, contention about dispute being purely civil in nature would not be sufficient for quashing.

13. Insofar as ground urged about statement of CW.6 about pawn receipt being redeemed by complainant himself, perusal of statement of CW.6 would indeed indicate that subsequent to filing of complaint, complainant had approached CW.6 and redeemed pledge by producing original pawn receipt. But his statement was that he had not carefully observed persons, who had come to his shop for pawning. CW.7 is father of CW.6 and co-owner of pawn shop. In his statement, CW.7



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has clearly stated that two persons had come for pawning and identified petitioners as said persons. Same would sufficiently corroborate charge sheet imputations and indicate *prima facie* case against accused.

14. Though contention about absence of any allegations against accused no.2 appears more weighty insofar as offence of Section 380 is urged, in view of identification of both accused by CW.7, it would be a matter for trial Court to examine same while at time of framing of charges and trial Court would not be in error in adding Section 34 of IPC if there is material sufficient thereof. Therefore, reserving liberty to petitioner no.2 to urge such contention at that stage, this Court would not find any good ground to quash impugned proceedings.

Petition is ***dismissed*** with above observations.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV

List No.: 1 Sl No.: 20