



CNR: KAHC010270752017

NC: 2026:KHC:50992
CRL.P No. 3378 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3378 OF 2017

BETWEEN:

1. SRI. M. RAMACHANDRA,
S/O LATE MUNINARASAPPA,
AGED ABOUT 62 YEARS,
PRESIDENT,
GRAIN MERCHANT CO-OPERATIVE BANK,
NO.2, PAMPA MAHAKAVI ROAD,
CHAMARAJPET,
BENGALURU-560018.
2. SRI. G.S. NAGARAJ,
S/O LATE SHIVAIAH,
SECRETARY,
GRAIN MERCHANT CO-OPERATIVE BANK,
NO.2, PAMPA MAHAKAVI ROAD,
CHAMARAJPET,
BENGALURU-560018

...PETITIONERS

(BY SRI. K.A.CHANDRASHEKARA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY POLICE INSPECTOR,
RAJAGOPAL NAGAR POLICE STATION,
BENGALURU.
2. MR. R. PRASHANTH,
S/O T. RUDRAPPA,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 36 YEARS,
RESIDING AT NO.380/10, 101,
SHIVAN APARTMENTS,
17TH CROSS, RMV EXTENSION,
BENGALURU-560080.

3. MR. R. PRAVEEN,
S/O T.RUDRAPPA,
AGED ABOUT 36 YEARS,
RESIDING AT NO.380/10, 101,
SHIVAN APARTMENTS,
17TH CROSS, RMV EXTENSION,
BENGALURU-560080.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. GIRISH KUMAR B.M., ADVOCATE FOR R2 AND R3)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.295/2017
FILED BY RAJAGOPAL NAGAR POLICE STATION, ON THE FILE
OF VII ADDITIONAL CHIEF METROPOLITAN MAGISTRATE,
BENGALURU IN SO FAR AS IT RELATES TO THE PETITIONERS.

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

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

ORAL ORDER

Heard the learned counsel for the petitioners, the learned
High Court Government Pleader appearing for respondent No.1
and the learned counsel for the respondent Nos.2 and 3.

2. This petition is filed praying this Court to quash the
FIR in Crime No.295/2017, on the file of VII Additional Chief



Metropolitan Magistrate, Bangalore, insofar as it relates to the petitioners and to grant such other relief.

3. The factual matrix of the case is that the respondents/complainants gave the complaint and case is registered in Crime No.295/2017 on 09.03.2017 for the offences punishable under Sections 423, 406 and 420 of IPC. The copy of the FIR and complaint is also produced before the Court as Annexures-A and B, wherein an allegation is made against the President and Secretary of the Bank in paragraph No.9. It is contended that the bank is represented by accused Nos.6 and 7 and accused Nos.6 and 7 in connivance with accused Nos.1 to 5 have further acted in defrauding the complainants. Firstly, accused Nos.6 and 7 have not ensured that there is a valid mortgage by collecting all the necessary title documents needed for creation of valid mortgage. Thereafter, then allowing accused Nos.1 to 5 to utilise the original sale deed for selling the schedule property to the complainants and thereafter have failed to initiate action for recovery of mortgage loan, which has been defaulted from the day one only with an intention of advancement of loan. From



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the documents obtained by them and after going through the statement of objections of the bank before DRT, it could be clearly made out that all the accused have acted with common intention of defrauding them.

4. The learned counsel for the petitioners would submit that respondent Nos.2 and 3 are the subsequent purchasers of the property with the knowledge of prior mortgage and the said transaction is opposed to Section 48 of the Transfer of Property Act. It is contended that respondent Nos.2 and 3 and the borrowers have colluded together to defraud the bank and to prevent the bank from recovering the legitimate dues from the borrower. It is contended that the petitioners were neither the President nor the Secretary at the time of disbursement of loan and they have no role to play in the transactions said to have been taken place between the borrower and respondent Nos.2 and 3. The petitioner No.1 was elected as the President of the bank on 25.03.2016 and the petitioner No.2 was appointed as incharge Secretary on 05.08.2016 and relies upon the document of resolution and Office Order Annexures-3 and 4. The learned counsel would



submit that even though respondent Nos.2 and 3 had the knowledge about the action taken by the bank for recovery of the amount, they slept over for a period of five years and filed the complaint belatedly and hence, prays this Court to quash the proceedings.

5. Per contra, the learned counsel for respondent Nos.2 and 3/complainant Nos.1 and 2, would contend that in the complaint, an allegation is made that without obtaining the documents, loan was advanced and no allegations are made against the present President and Secretary and the allegations made in the complaint goes back to the date of transaction. In that period, who were working as President and Secretary are made as accused and not made these petitioners as accused in our complaint. Even the police have also not issued notice in respect of these petitioners. With an apprehension, the petitioners have approached this Court and hence, the question of invoking the provisions under Section 482 of Cr.P.C. does not arise. The learned counsel would submit that the Investigating Officer has to investigate the matter as to who



are responsible for lending the loan in view of the allegations made in the complaint.

6. The learned High Court Government Pleader appearing for respondent No.1/State would submit that these petitioners have not been arraigned as accused and the Investigating Officer has to investigate the matter.

7. Having heard the learned counsel for the petitioners, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent Nos.2 and 3/complainants, no doubt there is a complaint and an allegation is also made against the bank. But no specific allegations are made against these petitioners that these petitioners have indulged in such act. The learned counsel for respondent Nos.2 and 3 would submit that the complaint goes back to the date of transaction. The petitioners contend that they have been elected and appointed in 2015 and 2016 and the transaction is not of 2015 and 2016 and the same had taken place long back and there cannot be any apprehension in respect of these petitioners are concerned. The learned counsel for the petitioners would submit that at



present also the petitioners are not the President and Secretary.

8. Having taken note of the contents of the complaint in paragraph Nos.9 and 10, the same goes back to the date of advancement of loan and the apprehension of the petitioners is that they are the President and Secretary. The factual aspect is also very clear and the petitioners have pleaded that they became the President and Secretary in the year 2015 and 2016 and hence, the question of interfering with the scope of Section 482 of Cr.P.C. does not arise. The Investigating Officer has to investigate the matter and file the report as to who are responsible, in view of the allegations made in the complaint and whether fraud has taken place in advancing the loan without collecting the documents and that is the scope and ambit of the Investigating Officer while investigating the matter. Merely because there is an apprehension and when there is no any notice issued against the petitioners by the police, the petitioners cannot approach this Court and seek the remedy under Section 482 of Cr.P.C.



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

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 17