



CNR: KAHC010292722022

NC: 2026:KHC:48527
CRL.P No. 6099 of 2022

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.6099 OF 2022

BETWEEN:

MR. RAJATH BALAKRISHNA SHETTY
@ RAJATH @ SANJEEV VYAS @
SARAVANAN @ SHREEDHAR SWAMY
S/O BALAKRISHNA SHETTY
AGED ABOUT 33 YEARS
R/A FLAT NO.801, 8TH FLOOR
DADDY'S ANESKAR APARTMENT
SIGANA AGRAHARA ROAD
NEAR FRUIT MARKET
2ND PHASE, ELECTRONIC CITY
BANGALORE-560100

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. KAMALUDDIN, ADVOCATE)

...PETITIONER

AND:

1. STATE OF KARNATAKA
BY K G HALLI POLICE STATION
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001
2. SRI DR. NAVNEET GARG
S/O R C GARG
AGED ABOUT 57 YEARS
R/A NO.84/1



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JAGRUTHI VIHAR, MIRAT
UTTAR PRADESH-250004

...RESPONDENTS

(BY SRI MOHAMMED AYUB ALI, ADDL. SPP FOR R1)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1202/2021 ARISING OUT OF CR.NO.421/2019 OF 1ST RESPONDENT POLICE PENDING ON THE FILE OF THE IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU, FOR THE OFFENCE P/U/S 120(B), 468, 471, 419, 420, 406 R/W SEC.34 OF IPC (ANNEXURE-A) AND ETC.

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

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

ORAL ORDER

This petition is filed to quash the entire proceedings initiated against the petitioner herein in C.C.No.1202/2021 arising out of Cr.No.421/2019 for the offences punishable under Sections 120B, 468, 471, 419, 420, 406 read with sec 34 of IPC.



2. This matter is listed for admission. Heard the learned counsel appearing for the petitioner and the learned Additional SPP appearing for respondent No.1.

3. The counsel appearing for the petitioner brought to notice of this Court the complaint dated 03.10.2019 wherein the specific allegations are made that an amount of Rs.5,00,000/- was paid to Sanjeev Vyas at his office by way of cheque. The counsel would submit that the said amount was also encashed by accused No.2-Sanjeev Vyas and payment was not made to the present petitioner. The counsel also brought to notice of this Court the further statement recorded by the IO during the course of investigation wherein also it is specifically stated that Rs.45,00,000/- was given to Sanjeev Vyas and so also while entering into an agreement, the photo of complainant and Sanjeev Vyas was affixed.

4. But learned counsel appearing for the State brought to notice of this Court the document of loan agreement and the photo found in the loan agreement and



submits that the photo is of accused No.1 and also submits that the matter requires trial. But the counsel for the petitioner brought to notice of this Court the further statement of the complainant wherein the further statement was very specific that amount of Rs.45,00,000/- was also paid to the Sanjeev Vyas and not to accused No.1. The counsel would submit that the statement is also very clear that in the loan agreement, the photo of Sanjeev Vyas i.e., accused No.2 is affixed. Hence, The very contention of the counsel appearing for State that an amount of Rs.45,00,000/- was paid to accused No.1 is not substantiated by any material since the complaint as well as the further statement of complainant is very clear that an amount of Rs.45,00,000/- was also paid to Sanjeev Vyas and not in favour of accused No.1. Though counsel appearing for the State would contend he was impersonated and signed in the name of Sanjeev Vyas. But to that effect, no statement was also made before the IO by the said complainant.



5. Having taken note of the complaint as well as further statement and IO also not collected any material in respect of this petitioner is concerned, except contending that his photo was affixed, the same is also contrary to the further statement of complainant. When there is no any prima facie material against accused No.1 and nothing is collected during the course of investigation also, the question of continuing the proceedings against the petitioner herein does not arise. No payment was made to this petitioner at any point of time by the complainant. Only an allegation is made that at the instance of this petitioner, the amount was collected by accused No.2 and the very involvement of this petitioner is also not brought out by the IO during the course of investigation. When such being the case, the counsel for the petitioner has made out the ground to invoke Section 482 of Cr.P.C to quash the proceedings or otherwise, it amounts to an abuse of process. In the absence of any material, the question of facing trial as contended by the counsel appearing for the State does not arise and the same



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amounts to a miscarriage of justice. Hence, the petition requires to be allowed.

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

ORDER

The petition is allowed.

The proceedings initiated against this petitioner in C.C.No.1202/2021 arising out of Cr.No.421/2019 is quashed.

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

SN