



CNR: KAHC010309722019

NC: 2026:KHC:48583
CRL.P No.6880/2019

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.6880/2019

BETWEEN:

1. SRI. A. KHADAR BASHA
S/O LATE ABDUL SATTAR
AGED ABOUT 66 YEARS
MANAGING DIRECTOR OF PARIMALA
FEEDS & FOODS PVT. LTD.,
ANTHARSHANHALLI, INDUSTRIAL AREA
KIADB, RANGAPURA NH-4
SIRA ROAD, TUMAKURU 572125.
2. SRI. B.S. SHIVANANDAPPA
S/O LATE SIDDARAMAPPA
AGED ABOUT 72 YEARS
EXECUTIVE DIRECTOR
OF PARIMALA FEEDS & FOODS PVT. LTD.,
ANTHARSHANAHALLI, INDUSTRIAL AREA
KIADB, RANGAPURA NH-4
SIRA ROAD, TUMAKURU 572125.

...PETITIONERS

(BY SRI. H.N. BASAVARAJU, ADV.,)

AND:

1. SRI. ABDUL WAZID
S/O B. AMEER JAN
AGED ABOUT 59 YEARS
BUSINESSMAN
R/O 3RD CROSS, TANK MOHALLA
SHIVAMOGGA 577201.

...RESPONDENT

(BY SRI. UMESH MULIMANI, ADV., FOR

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by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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SRI. S.V. PRAKASH, ADV.,)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.864/18 (P.C.R.NO.17/2018) PENDING ON THE FILE OF THE LEARNED J.M.F.C-III, SHIVAMOGGA, INCLUDING THE ORDER DATED 06.10.2018 AS PER ANNEXURE-H AND J AND ALSO THE CASE REGISTERED AGAINST THE PETITIONER IN C.C.NO.864/2018 FOR THE OFFENCE P/U/S.420, 419, 465, 468, 406 R/W SEC.34 OF IPC.

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 appearing for the petitioners and the learned counsel appearing for the respondent.

2. The learned counsel appearing for the petitioners submits that the present proceedings arise out of the second round of a private complaint. Earlier, a private complaint had been filed, and pursuant to the reference under Section 156(3) of the Cr.P.C., the police after the investigation, submitted 'B' report and the same was accepted. The very acceptance of 'B' report was



challenged before the Sessions Court in Crl.RP.No.195/1999, which came to be dismissed vide order dated 31.07.2002. Being aggrieved by the said order, Crl.P.No.3145/2002 was filed before this Court, and the same also came to be dismissed vide order dated 01.04.2003. He further submits that this is a second round of private complaint filed in PCR.No.17/2018 and the trial Court has committed an error in taking cognizance. The very taking of the cognizance vide order dated 06.10.2018 is erroneous. Hence, the same is challenged before this Court and it requires interference by this Court.

3. Per contra, the learned counsel appearing for the respondent submits that, the trial Court, after taking note of the contents of the complaint, particularly paragraph No.4 of the complaint's averments, so also taking note of the sworn testimony of the complainant, has passed the order of taking cognizance, particularly



relying upon the documents Ex.C1 to Ex.C4 and has not committed any error.

4. Having taken note of the submissions of the learned counsel appearing for the petitioners and also the learned counsel appearing for the respondent, it is evident that an earlier proceedings were initiated in respect of the very same transaction and 'B' report was filed and the same was challenged before the Revisional Court and thereafter, before this Court in Crl.P.No.3145/2002.

5. In Crl.P.No.3145/2002, this Court had taken note of the offences, as referred to in paragraph No.2 of the said order, and so also the sale consideration of Rs.3,25,000/- in respect of the very same Sy.No.132/3. In the present private complaint, grounds and the offences invoked are substantially the same. When such being the material available on record that, both the extents are same, so also the survey number is same and the sale consideration is same i.e., Rs.3,25,000/-, and the sale



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agreement is also dated 13.12.1993; hence, in this case, question of filing private complaint once again and taking cognizance is nothing but an erroneous approach by the trial Court and question of second round of the prosecution doesn't arise. Hence, the petitioners made out the ground to invoke the Section 482 of Cr.P.C., otherwise it amounts to miscarriage of justice and abuse of process of law. Accordingly, the criminal petition is **allowed** and initiation of proceedings in CC.No.864/2018 vide order dated 06.10.2018 is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ABK
List No.: 1 Sl No.: 23