



CNR: KAHC010317272021

NC: 2026:KHC:49400
CRL.P No. 6740 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6740 OF 2021

BETWEEN:

1. SRI RAJARAM S OKADE
S/O LATE SRINIVAS OKADE
AGED ABOUT 67 YEARS
 2. SRI CHAITANYA OKADE
S/O LATE SRINIVAS OKADE
AGED ABOUT 34 YEARS
 3. SMT. RENUKA OKADE
W/O SRI RAJARAM S OKADE
AGED ABOUT 63 YEARS
 4. SMT. DURGA OKADE
D/O SRI RAJARAM S OKADE
AGED ABOUT 40 YEARS
- ALL ARE R/AT NO.229-2
SECOND MAIN, SECOND CROSS
AECS LAYOUT, FIRST STAGE
SANJAY NAGAR
BANGALORE-560094

...PETITIONERS

(BY SRI AKKI MANJUNATH GOWDA K, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY HAL POLICE STATION

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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BANGALORE
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560001

2. SRI B K MANUYANI
S/O K RAM MANIYANI
AGED ABOUT 67 YEARS
R/AT NO.474
JEEWAN GRIHA COLONY
J.P NAGAR, 2ND PHASE
BANGALORE-560041

PERMANENT RESIDENT OF
NO.8D, ASSET HALLMARK
PAYYAMBALAM PO, KANNUR
KERALA-670001

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI C V SIJU & SANMUKH REDDY, ADVOCATE FOR 2 [ABSENT])

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN PCR NO.51052/2019
(CR.NO.179/2021) AGAINST THE PETITIONERS/ACCUSED
NOS.1, 3, 4, 5 PENDING ON THE FILE OF THE XXIX ACMM,
MAYOHALL, BANGALORE AND ETC.

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



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

ORAL ORDER

This petition is filed praying this Court to quash the entire proceedings in PCR No.51052/2019 (Cr.No.179/2021) against the petitioners/accused Nos.1, 3, 4 and 5, pending on the file of XXIX ACMM, Mayohall, Bengaluru.

2. This matter is listed for admission. Heard the learned counsel appearing for the petitioners; the learned High Court Government Pleader appearing for respondent No.1. The counsel for respondent No.2 is unrepresented in the morning session as well as in the afternoon session.

3. The learned counsel for the petitioners would vehemently contend that a false complaint has been filed against the petitioners and the Trial Court committed an error in considering the contents of the complaint. The counsel also would contend that accused No.1 had stood security/guarantor to the loan availed by the complainant/respondent No.2 from Middle East Bank Limited, for purchasing the apartment unit bearing Municipal No.1/25 (privately numbered as Flat No.502),



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Surya Apartments, Opposite to Manipal Hospital, Rustom Bhag, Airport Road, Bengaluru in the joint names of the complainant/respondent No.2 and his ex-wife – Smt. Suma Bhaskaran under the sale deed dated 30.01.1989 and document was registered and produced the same as Annexure-D. It is also contended that the complainant/respondent No.2 had defaulted in the matter of repayment of the loan amount. Hence, accused No.1 had cleared the said amount and in order to recover the said amount, accused No.1 had filed a suit in O.S.No.1/1994 before the Kasargod Court against respondent No.2 and his ex-wife Suma Bhaskaran for the recovery of the amount paid by accused No.1 to clear the loan. In view of the admissions made by the complainant/respondent No.2, the suit was decreed in favour of accused No.1/petitioner No.1 and copy of the judgment is also produced as Annexure-E. The learned counsel also relies upon the document of Execution Petition No.1469/1995 and the said decree was modified and fresh compromise decree was passed on 04.11.2009 and complainant/respondent No.2 was alone liable to pay



Rs.6,78,681/- together with 15% interest per annum. The copy of the compromise decree dated 04.11.2009 is also produced as annexure F. In view of the above compromise decree dated 04.11.2009, accused No.1 also levied Execution No.1659/2010. Accused No.1 had also got the aforesaid immovable property attached belonging to the complainant/respondent No.2 and his ex-wife. The counsel also brought to the notice of this Court that sale warrant and sale proclamation were also issued. When the spot sale was conducted, Smt. Suma B. Maniyani filed an objector application and the same was also allowed vide order dated 16.09.2014 and auction sale held on 12.09.2014 was kept in abeyance in terms of Annexure-G.

4. The counsel would submit that the marriage between respondent No.2/complainant and his wife Smt. Suma Bhaskaran was dissolved vide order dated 02.06.1992 passed in OP No.10/1992 and in terms of the same, Smt. Suma B. Maniyani had one-half undivided share and interest in the residential apartment and the remaining one-half undivided share and interest in the above apartment belonged to respondent No.2/complainant. The copy of the same is also



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produced as Annexure-H. The counsel would contend that Smt. Suma B. Maniyani and her daughter Kum. Kavitha were in the possession and enjoyment of the above said apartment and they have executed a sale deed in favour of accused No.1 by receiving an amount of Rs.27,00,000/- and accused No.1 also had entered into a compromise and filed a joint memo dated 20.9.2017. Accordingly, the Trial Judge has dismissed the objector application vide its order dated 20.09.2017 and Smt. Suma B. Maniyani entered into an agreement to sell dated 22.09.2017 agreeing to sell her one-half undivided share. The said Smt. Suma B. Manyani died intestate on 29.12.2017 and her daughter executed the document of sale deed in terms of Annexure-J. The learned counsel also brought to the notice of this Court that the complainant/respondent No.2 had suppressed all these materials before the Court and without mentioning the same in the complaint, filed a private complaint. The Trial Court though considered the contents of the complaint and taken the cognizance and subsequently on examination once again referred the matter to the police under Section 202 of Cr.P.C. The counsel would vehemently contend



that when there was a clear execution of document of sale deed and produced the same before this Court, the very initiation of proceedings against the petitioners does not arise and the same is on account of suppressing the material facts before the Court.

5. Having considered the contention of the learned counsel for the petitioners, it is very clear that accused No.1 was standing as a surety for the loan availed by the complainant/respondent No.2 and when the complainant/respondent No.2 failed to clear the loan, dispute had arisen between the husband/complainant and wife and to an extent of 50% share was also allotted in terms of the compromise i.e., remaining 50% of the schedule property. The same is also taken note of by the Court in Execution No.1659/2010. When there is a sale deed in favour of accused No.1, implicating the petitioners in a private complaint suppressing the material facts is nothing but an abuse of process and the same is also not disputed by respondent No.2 before this Court. There was already a sale transaction and sale deed was also executed and the same is suppressed by the complainant/respondent No.2



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while invoking the criminal jurisdiction by filing a private complaint and the documents at Annexures-D to H, including the sale certificate and also Annexure-L Auction Court Sale Certificate is also issued in favour of accused No.1. If the complainant is permitted to proceed against accused No.1 and accused Nos.3 to 5, it amounts to an abuse of process and also leads to miscarriage of justice and hence, the petitioners have made out a ground to quash the proceedings initiated against them.

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

ORDER

The petition is allowed. The proceedings initiated against the petitioners in PCR No.51052/2019 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN/MD