



CNR: KAHC010336562020

NC: 2026:KHC:54552
CRL.P No. 6160 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 6160 OF 2020

BETWEEN:

P. NARENDRA PRASAD
S/O. LATE. M. PUTTEGOWDA
68 YEARS, FARMHOUSE
SY.NO 50/A-6, DABBEGATTA VILLAGE,
KIKKERI HOBLI, K.R. PETE TALUK
MANDYA DISTRICT - 571 423.

...PETITIONER

(BY SRI. S.G. BHAGAVAN, ADVOCATE)

AND:

1. ADITHYA PRABHU JAGANNATH
S/O LATE JAGANNATH,
32 YEARS, NO. 91, 2C CROSS,
2ND MAIN ROAD, I STAGE,
VIJAYANAGAR, MYSURU - 570 017.

2. THE STATE OF KARNATAKA
BY THE SUB INSPECTOR OF POLICE,
KIKKERI POLICE STATION,
KIKKERI, K.R. PETE TALUK - 571 423.

...RESPONDENTS

(BY SMT. BELLE R, ADVOCATE FOR R1;
SRI. SUHAS GOWDA M, HCGP FOR R2)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.410/2019 IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC KRISHNARAJAPETE, MANDYA DISTRICT FOR THE OFFENCE P/U/S.420 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 petitioner, learned counsel appearing for respondent No.1/complainant and also the learned counsel appearing for respondent No.2/State.

2. The factual matrix of the case discloses that case is registered at the instance of the complainant/respondent when the allegations are made in the complaint that senior uncle cheated the complainant in respect of the property with an intention to knock off the



property in obtaining the gift deed and also the release deed.

3. The police have registered the FIR in Crime No.151/2016 for the offence punishable under Section 420 of IPC and having registered the FIR, investigated the matter and recorded the statement of witnesses and filed the charge sheet.

4. Having received the charge sheet by the Trial Court, passed the order which reads as follows:

"Acting under Section 190(1)(b) of Cr.P.C. the cognizance of the offence punishable under Section 420 of I.P.C. is taken against Accused. Register as CC and issue SS to Accused".

5. Learned counsel appearing for the petitioner would vehemently contend that, having received the charge sheet, the learned Magistrate failed to apply the judicial mind as to whether it is a case for proceed against the petitioner. It is further contended that the impugned order



does not disclose any application of mind to the charge sheet, nor does it even record that the charge sheet was perused. The learned Magistrate has merely invoked Section 190 (1) (b) of the Code of Criminal Procedure to take cognizance of the alleged offences. Hence, the impugned order suffers from its legality and correctness.

6. Learned counsel appearing for respondent No.1/complainant would submit that the police have investigated the matter and filed the charge sheet and hence cognizance is taken. The counsel appearing for respondent No.2/State also would submit the same.

7. Having considered the grounds urged in the petition as well as the submissions of the respective counsel and also the order impugned referred above, it is a clear case of non-application of mind by the learned Magistrate while taking the cognizance. Even did not tend to look into the charge sheet. No reference even perused the charge sheet which discloses to proceed against the



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petitioner. When such order is passed, it requires interference of this Court to quash the order of taking cognizance and matter requires to be remitted back to the trial Court and the trial Judge is directed to look into the charge sheet and proceed to pass an order of taking up cognizance as in applying its judicial mind and need not pass detailed order but apply its mind and pass order as the charge sheet material discloses for proceeding against petitioner.

8. In view of the discussion made above, the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings in C.C.No.410/2019 initiated against the petitioner on the file of Court of Senior Division, Civil Judge and JMFC, Krishnarajapete, Mandya District, taking of cognizance is hereby quashed.
- iii. The learned Magistrate is directed to apply his judicious mind to the charge sheet



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material on record and determine, in accordance with law, whether it is a case for taking cognizance to proceed against the petitioner herein.

- iv. The Magistrate is directed to consider the same immediately since this is the matter of the year 2020 and taking of cognizance in the year 2019 since already 7 years is lapsed.

Sd/-
(H.P.SANDESH)
JUDGE

VS
List No.: 1 Sl No.: 22