



CNR: KAHC010369132019

NC: 2026:KHC:51758
CRL.P No. 3265 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3265 OF 2019

BETWEEN:

1. NAGIREDDY,
AGED ABOUT 60 YEARS,
S/O MADANAGIRI REDDY,
R/O NO.78/A, VENKATESWARA NILAYA,
KAVERAPPA LAYOUT, PANATHURU,
BENGALURU-560103.
2. RAMALINGAIAH,
AGED ABOUT 42 YEARS,
S/O RACHAMURTHY @ PICHEMUTHU,
R/O NO.125, 2ND CROSS,
KADUBESANAHALLI,
PANATHURU ROAD,
BENGALURU-560103.

...PETITIONERS

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. H. JAYANTH, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY H.A.L. POLICE, BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560001.
2. MANOJ MAHATHU,
AGED ABOUT 22 YEARS,



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S/O SHIVANTH,
R/O BANNIKUPPE VILLAGE, BIDADI HOBLI,
RAMANAGARA TALUK AND DISTRICT-562109.

...RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1
R2 SERVED AND UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ORDER DATED 07.08.2018 OF TAKING COGNIZANCE AND ISSUANCE OF SUMMONS TO THE PETITIONER OF THE OFFENCE PUNISHABLE UNDER SECTION 304(A) R/W SECTION 34 OF IPC IN C.C.NO.56793/2018, PENDING ON THE FILE OF THE XLIII ACMM, MAYOHALL, BENGALURU CITY, IN CR.NO.164/2015, REGISTERED BY HAL POLICE, BENGALURU CITY.

THIS PETITION COMING ON FOR HEARING 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 and the learned High Court Government Pleader appearing for respondent No.1/State.

2. The Investigating Officer is present before this Court with regard to make submission on what date charge-sheet was filed before the Court and the Investigating Officer confirms that the same was filed before the Court on 22.06.2018.



3. The prayer sought in the petition is to quash the order dated 07.08.2018 of taking cognizance, since the cognizance was taken after three years.

4. The learned counsel for the petitioners would contend that the offence invoked against the petitioners is under Section 304A read with 34 of IPC and ought to have filed the charge-sheet within three years since the maximum punishment for the offence under Section 304A of IPC is two years. The first and foremost contention of the learned counsel for the petitioner is that the learned Magistrate has committed a serious error in taking cognizance of an offence punishable under Section 304A of IPC beyond the period of limitation provided under Section 468 of Cr.P.C. The learned counsel also would contend that the incident was said to have been taken place on 25.02.2015 at about 12.30 p.m. and complaint came to be filed on 26.02.2015 at 00.30 hours. The reading of the impugned order passed by the Trial Court dated 07.08.2018 discloses that the Trial Judge has not applied his judicious mind and failed to take note of that the charge-sheet was filed after three years and ought not to have taken the cognizance when



the charge-sheet was filed belatedly and hence, the learned counsel for the petitioners prays this Court to quash the proceedings by invoking Section 482 of Cr.P.C.

5. The order sheet discloses that the advocate for accused Nos.1 and 2 filed an application under Section 309 of Cr.P.C. along with 436 of Cr.P.C. application and vakalath before the Trial Court on 06.05.2015 i.e., subsequent to the incident. The order sheet dated 07.08.2018 discloses that the P.I. of H.A.L. P.S. has submitted charge-sheet with annexures against the accused and on the very same day cognizance was taken.

6. When the ground was urged before this Court that the charge-sheet was filed after three years, this Court wanted to know on what date charge-sheet was filed before the Court, whether it is within 3 years or after 3 years. Having secured the Investigating Officer, who is present before the Court, he says that the charge-sheet was filed on 22.06.2018. The earlier Investigating Officer in an ingenious method has put the date on the charge-sheet as 05.11.2017, but not filed the



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charge-sheet for more than a period of 8 months and filed the charge-sheet before the Court on 22.06.2018. It is a lapse on the part of the Investigating Officer in filing the charge-sheet before the Court within time. Even when the charge-sheet was filed on 22.06.2018 before the Court, already 3 years 4 months had elapsed. When such being the material available on record, when the charge-sheet is filed belatedly after 3 years and the same is not within the time as stipulated under Section 468 of Cr.P.C. and on the very ground itself that the proceedings initiated against the petitioners is not maintainable.

7. The learned counsel for the petitioners also relies upon the judgment of the Apex Court in the case of **SARAH MATHEW v. INSTITUTE OF CARDIO VASCULAR DISEASES** reported in **(2014) 2 SCC 62**, wherein it is held that date relevant for computation of period of limitation is the date when criminal complaint is filed or date of institution of prosecution/criminal proceedings, and not the date when the Court takes cognizance. The learned counsel also relies upon the judgment of the Apex Court in the case of **RAMESH CHANDRA SINHA AND OTHERS v. STATE OF BIHAR AND**



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OTHERS reported in **(2003) 7 SCC 254**, wherein it is held that cognizance taken long after a period of three years – Proceedings, held on facts, clearly barred by Section 468(2) of Cr.P.C. However, the High Court erred in not quashing the same under Section 482 of Cr.P.C.

8. Having considered the principles laid down in the judgments referred supra, it is very clear that the charge-sheet is filed belatedly.

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

ORDER

The petition is allowed. The charge-sheet filed against the petitioners is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 17