



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.8360 OF 2021

BETWEEN:

SRINIVASA HUNSIKATTI
S/O MR JAYATHIRTH
AGED ABOUT 53 YEARS
AUTHORIZED OFFICER
M/s ANANDRATHI GLOBAL FINANCE
4TH FLOOR, BIKANER PINNACLE NO.1
REHENIUS STREET RICHMOND ROAD
BANGALORE-11.

...PETITIONER

(BY SRI VENKATESH S. ARABATTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY THE HALASURGATE POLICE STATION
REP BY SPECIAL PUBLIC PROSECUTOR
BANGALORE CITY POLICE.
2. MR JAGADISH
PROPRIETOR, MR J K DEVELOPERS
NO.1, KRILOSKAR LAYOUT
FIRST FLOOR, HESARGHATTA MAIN ROAD
BANGALORE - 560 073.

...RESPONDENTS

(BY SRI M.R.PATIL, HCGP FOR R1;
SRI SHOAIB SANGTRASH, ADVOCATE FOR
SRI UMAPATHI S., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE FIR IN CR.NO.175/2021 AS AGAINST THE

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



PETITIONERS, FOR THE ALLEGED OFFENCE P/U/S 193,199,200,420,425,499 AND 120B OF IPC PENDING BEFORE THE 1ST A.C.M.M. COURT AND ALL THE ANCILLARY PROCEEDINGS THAT COMES OUT OF THE FIR AS AGAINST THE PRESENT PETITIONER.

THIS PETITION, COMING ON FOR HEARING ON I.A., THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.175/2021 by Halasurgate Police Station for offences punishable under Sections 193, 199, 200, 420, 425 499 and 120B of Indian Penal Code, 1860 ('**IPC**'), presently pending on file of I Addl. Chief Metropolitan Magistrate, Bengaluru, this petition is filed.

2. Sri Venkatesh S. Arbatti, learned counsel for petitioner submitted that petitioner (accused no.1) was an official of non-banking financial company namely M/s. Anand Rathi Global Finance Company. Respondent no.2 (complainant) had availed financial assistance to an extent of Rs.10,00,00,000/- by executing a registered Mortgage Deed dated 10.04.2018. However on default in repayment, company



got issued demand notice under Section 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('**Act**') on 24.11.2019. Subsequently, possession notice under Section 13 (4) of Act was issued on 05.03.2020 and published in Newspapers. Thereafter, Criminal Miscellaneous no.4225/2020 was filed before I ACCM, Bengaluru, seeking assistance in taking possession under Section 14 of Act. Instead of pursuing his grievances against action, if any, under provisions of Act before Tribunal, complainant had filed a complaint seeking to give criminal colour to civil dispute. Aggrieved thereby, present petition is filed.

3. It was submitted, Hon'ble Supreme Court in case of **K. Virupaksha and Anr. v. State of Karnataka and Anr.**, reported in **(2020) 4 SCC 440**, has held resort to criminal prosecution against officials of lending company/banks by borrowers on initiation of action under provisions of Act has been deprecated and proceedings quashed by holding that Act was complete Court and provided sufficient remedy to resolve all grievances. It was submitted, said ratio would squarely apply to petitioner at hand and sought for quashing of



complaint. It was lastly submitted that during pendency of petition, complainant had cleared loan and settled dispute

4. Sri M.R. Patil, learned HCGP for respondent no.1 - State and Sri Shoaib Sangtrash, learned counsel appearing for Sri Umapathi S., advocate for respondent no.2 (complainant) opposed petition.

5. Heard learned counsel and perused material on record.

6. Thus, petitioner herein is challenging complain filed against him on ground of abuse of process of law and seeking relief under Section 482 of CrPC to secure ends of justice. Perusal of complaint reveals that entire grievance of complainant is about averments in petition filed under Section 14 of Act by lender company. Petitioner is an official of lending company. Complaint allegations would indicate intention of complainant to exert pressure on lending company instead of resort to remedies available under Act to wit Section 17. Same would squarely fall within ratio laid down by Hon'ble Supreme Court in **Virupaksha's** case (supra). Without any more, petition would requires to be allowed.



7. Ordered accordingly, petition is ***allowed***, proceedings in Crime no.175/2021 by Halasurgate Police Station for offences punishable under Sections 193, 199, 200, 420, 425 499 and 120B of IPC pending on file of I Addl. Chief Metropolitan Magistrate, Bengaluru against petitioner is ***quashed***, reserving liberty to complainant to avail remedies under SARFAESI Act in accordance with law.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 12