



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 19741 OF 2026 (GM-RES)

BETWEEN:

1. M/S. RAJU ENTERPRISES
(SOLE PROPRIETORY CONCERN)
NO.10B TAMAKA INDURTIAL AREA
BETHAMANGALA MAIN ROAD TAMAKA
KOLAR-563101
REP BY ITS PROPRIETOR,
SRI. S.N. RAJU.

2. SRI. S.N.RAJU
S/O SHRI SOMAPPA.

3. SMT. SUJATHAMMA
W/O SRI. S.N RAJU

4. SRI RAKESH RAJ H.R
S/O S.N RAJU

ALL ARE R/AT 7TH CROSS,
JAYANAGARA, TEKAL ROAD,
KOLAR - 563 101.

...PETITIONERS

(BY SRI. SHIVA REDDY M. R., ADVOCATE)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



AND:

1. DEPUTY COMMISSIONER KOLAR,
MULBAGAL ROAD (NH-75)
NEAR KUMBARAHALLI AND
SRI DEVARAJ URS MEDICAL COLLAGE,
TAMAKA,
KOLAR-563101.
2. THE AUTHORIZED OFFICER
SIR M. VISVESVARAYA
CO-OPERATIVE BANK LTD.
NO. 109, SHANKAR MUTT ROAD,
SHANKARAPURAM,
BENGALURU - 560 004.

...RESPONDENTS

(BY SRI. MOHAMMED JAFAR SHAH, AGA FOR R1/STATE;

V/O. DATED 10.07.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION QUASHING THE IMPUGNED ENDORSEMENT DATED 16-06-2026 ANNEXURE-A ISSUED BY THE RESPONDENT NO.1 DEPUTY COMMISSIONER IN CRL.MISC. NO. 68/2019-20.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

- "1. **ISSUE a Writ of Certiorari** or any other appropriate writ, order, or direction quashing the impugned Endorsement dated 16-06-2026 **Annexure-A** issued by the Respondent No.1 Deputy Commissioner in Crl.Misc.No. 68/2019-20.
2. **ISSUE a Writ of Mandamus** directing the Respondent No.1 to restore, hear, and adjudicate the Petitioners' application filed under Section 340 read with Section 195 of the Code of Criminal Procedure on its merits and application under section 5 of Limitation act in accordance with the law within a stipulated time frame, as fixed by this Hon'ble Court.
3. **PASS any other such orders as this Hon'ble Court deems fit in the interest of justice and equity."**

2. Alleging that there were *perjurius* and false statements made by respondent No.2 in Crl.Misc.No.68/2019 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before the District Magistrate, the petitioner had filed an application before the Deputy Commissioner under Section 340 r/w Section 195 of the Code of Criminal Procedure. The said application having been rejected on the ground that the Deputy Commissioner has no power, the



petitioner is before this Court seeking for the aforesaid reliefs.

3. The submission of Sri.M.R.Shiva Reddy learned counsel for the petitioner is that there have been false statements which have been made before the Magistrate in the proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Therefore, the powers under Section 340 of Cr.P.C. are required to be exercised. Section 340 of Cr.P.C. is reproduced hereunder for easy reference:

"340. Procedure in cases mentioned in section 195.-(1) *When upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,-*

- (a) *record a finding to that effect;*
- (b) *make a complaint thereof in writing;*
- (c) *send it to a Magistrate of the first class having jurisdiction;*



- (d) *take sufficient security for the appearance for the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and*
- (e) *bind over any person to appear and give evidence before such Magistrate.*

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 195.

(3) A complaint made under this section shall be signed,-

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

1[(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.]

(4) In this section, "Court" has the same meaning as in section 195."

4. A perusal of the said provision would indicate that when upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence under clause (b) or subsection (1) of Section 195. Essentially, it is only a Court which is of that opinion, then inquiry could be resorted to.



5. In the present matter, the application has been filed before the Deputy Commissioner, who is only the implementing authority of an order passed by Magistrate/Chief Metropolitan Magistrate or the District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
6. The Deputy Commissioner is not a Court who can consider an application under Section 340 r/w Section 195 of the Code of Criminal Procedure. This Court, therefore, does not find any infirmity in the order passed by the Deputy Commissioner. The petition stands ***dismissed***.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 10