



CNR: KAHC010437522022

NC: 2026:KHC:54720
W.P. No.18969 of 2022
C/W CRL.P No.8346 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.18969 OF 2022 (GM-RES)

C/W

CRIMINAL PETITION NO.8346 OF 2022

IN W.P. No.18969/2022:

BETWEEN:

1. SRI. K. NARASIMHULU NAIDU
S/O LATE KRISHNAMA NAIDU
AGED ABOUT 64 YEARS
NO.231, 1ST CROSS
3RD BLOCK, III PHASE
BSK 3RD STAGE
BENGALURU 560 085.
2. M/S. G.K. SHELTERS PVT LTD
REP. BY ITS MANAGING DIRECTOR
SRI. K. NARASIMHULU NAIDU
S/O LATE KRISHNAMA NAIDU
AGED ABOUT 64 YEARS
NO. 231, 1ST CROSS
3RD BLOCK, III PHASE
BSK 3RD STAGE
BENGALURU 560 085
REGISTERED UNDER THE COMPANIES ACT.
3. S.L.V. ENTERPRISES
REP. BY ITS MANAGING PARTNER
SRI. K. NARASIMHULU NAIDU
S/O LATE KRISHNAMA NAIDU
AGED ABOUT 64 YEARS
NO. 231, 1ST CROSS

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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3RD BLOCK, III PHASE
BSK 3RD STAGE
BENGALURU 560 085
REGISTERED UNDER THE COMPANIES ACT.

4. GOUTHAM K. NAIDU
S/O K. NARASIMHULU NAIDU
AGED ABOUT 32 YEARS
NO. 231, 1ST CROSS
3RD BLOCK, III PHASE
BSK 3RD STAGE
BENGALURU 560 085.

...PETITIONERS

(BY SRI. PRAKASH Y.V. ADV.,)

AND:

1. THE STATE OF KARNATAKA
BY BANASHANKARI POLICE STATION
JAYANAGARA SUB DIVISION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE 560 001.
2. THE BRANCH MANAGER
KARNATAKA BANK LTD
BSK 2ND STAGE BRANCH
BENGALURU 560 070.
3. THE SUB INSPECTOR OF POLICE
BANASHANKARI POLICE STATION
BENGALURU 560 070.
4. V. THIMMAIAH
AGED ABOUT 68 YEARS
S/O LATE THIMMAPPA
R/AT. NO.1627/A, 35TH CROSS



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16TH MAIN, 2ND STAGE
BANASHANKARI
BENGALURU-70.

[AMENDED AS PER ORDER DATED 18.11.2022]

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1 & R3
SRI. BASAVARAJA P, ADV., FOR R4
R2 SERVED)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, R/W SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO QUASH THE NOTICE UNDER SECTION 91 CR.P.C. AND UNDER SECTION 2 OF THE BANKERS BOOK EVIDENCE ACT DTD.11.8.2022 OF THE SUB-INSPECTOR OF POLICE, BANASHANKARI POLICE STATION BENGALURU -560 070 VID ANNEXURE-A & ETC.

IN CRL.P NO.8346/2022:

BETWEEN:

1. SHRI. K. NARASIMHULU NAIDU
S/O LATE KRISHNAMA NAIDU
AGED ABOUT 64 YEARS
OCC. BUSINESSMAN
R/O NO.231, 1ST CROSS
3RD BLOCK, 3RD PHASE
BSK 3RD STAGE
BENGALURU-560085.

...PETITIONER

(BY SRI. PRAKASH Y.V. ADV.,)

AND:

1. THE STATE OF KARNATAKA BY
BANASHANKARI POLICE STATION



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JAYANAGARA SUB-DIVISION
BENGALURU CITY 560070
(REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU-560001).

2. V. THIMMAIAH
AGED ABOUT 68 YEARS
S/O LATE THIMMAPPA
R/AT. NO.1627/A, 35TH CROSS
16TH MAIN, 2ND STAGE
BANASHANKARI
BENGALURU-70.

(AMENDED AS PER ORDER DATED:18.11.2022)

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1
SRI. BASAVARAJU P, ADV., FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO
QUASH THE IMPUGNED ORDER DATED 21.07.2022 PASSED
BY THE IV A.C.M.M., BENGALURU IN CR.NO.256/2021 OF
BANASHANKARI P.S., BENGALURU CITY IN DISMISSING
THE APPLICATION FILED UNDER SEC.451 AND 457 OF
CR.PC FOR THE DE-FREEZING BANK ACCOUNT AND ALLOW
THE SAID APPLICATION BY DE-FREEZING THE BANK
ACCOUNT NO.20303260423 OF SBI BANK, JAYANAGARA
3RD BLOCK, PBB JAYANAGARA, BENGALURU
(CR.NO.256/2021 OF BANASHANKARI P.S.,) JAYANAGARA
SUB DIVISION, BENGALURU CITY AS PRAYED BY THE
PETITIONER.

THESE PETITIONS, COMING ON FOR PRELIMINARY
HEARING 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN
AS UNDER:



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

ORAL ORDER

Heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the respondents.

2. These petitions are filed by the applicant-petitioner. In the writ petition the prayer sought is to quash the impugned notice dated 11.08.2022 issued by the Sub-Inspector of Police, Banashankari Police Station, Bengaluru vide Annexure-A and further to direct respondent No.2 bank to defreeze the accounts and permit the petitioners to operate the accounts mentioned in Annexure-A. In criminal petition, the prayer sought is to set aside the order dated 21.07.2022 passed by the IV ACMM, Bengaluru, in rejecting the application filed under Sections 451 and 457 of Cr.P.C. for defreezing the bank account and allow the said application by defreezing the Bank Account No.20303260423 of SBI Bank, Jayanagara 3rd Block, PBB Jayanagara, Bengaluru, in respect of Crime No.256/2021 registered by Banashankari Police Station, Jayanagara Sub-Division Bengaluru City.



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3. The main contention of the applicant-petitioners in both the petitions is that petitioners are no way concerned with the transaction between the complainant and accused Nos.1 and 2. The petitioners are legally established their business and in the writ petition it is contented that the petitioner No.1 was owned a house property in his name at Banashankari and the same was purchased by the accused No.2 in the above crime to the tune of consideration of Rs.11,90,47,000/- in the name of M/s.Anushree Greentech Indian Private Limited, Mr.Sanjay R.N., Mrs.Anitha Sanjay and Mr.M.H.Dinesh by way of registered sale deed and after the full payment they have jointly given a confirmation to execute the sale deed dated 01.12.2021 along with confirmation deed dated 01.12.2021. Petitioners are a reputed land developer. Having such a nature of business by the petitioners, the respondent police have not produced any piece of paper to show that amount belonging to the complainant was misappropriated. By virtue of the request notice dated 11.08.2022 issued by the Investigating Officer, the respondent bank has frozen all the 13 bank accounts of the petitioners and the same is bad in law and such freezing of



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account would adversely affect their right to life as well as their business and the same amounts to violation of Article 21 of the Constitution of India. The respondent police have not followed the procedure while freezing the accounts in exercising the power under Section 102 of Cr.P.C. It is also contented that as they are the reputed builders and land developers, there were 900 employees working under the petitioners and they have not received their salaries since from 2 months in view of freezing of the accounts of the petitioners and hence, prayed this Court to quash the notice and defreeze the bank accounts.

4. Learned counsel for the petitioners submits that similar grounds are urged in Criminal Petition No.8346/2022 but contended that trial Court committed an error in rejecting the application filed by the petitioner under Sections 451 and 457 of Cr.P.C. and failed to take note that the Investigating Officer has not followed the procedure as prescribed under Section 102 of Cr.P.C. during freezing of bank account and trial Court also committed an error to take note of the freezing of accounts of petitioner amounts to curtailing his business and even did not notice the consequence upon freezing of the



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account and hence, the order is illegal and erroneous and it requires interference.

5. Per contra, learned counsel appearing for the respondent-complainant would vehemently contend that though the petitioners have contended that they are no way connected, but the amount paid by the complainant was transferred to the petitioner to the tune of Rs.1,35,00,000/- and though allegation is against the other accused that they have received an amount of Rs.2,80,00,000/- and induced the complainant to make the payment and transferred the amount in favour of this petitioner. Learned counsel would further contend that the Investigating Officer having noticed the amount is transferred to the petitioners and the same is found during the course of investigation, exercised the power under Section 102 of Cr.P.C. by following the procedure. Learned counsel in support of his argument also relies upon the judgment in the case of ***State of Maharashtra vs. Tapas D.Neogy*** reported in **(1999) 7 SCC 685**, particularly brought to the notice of this Court paragraph No.12 and while exercising the power under Section 102 of Cr.P.C. the very



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object is to seizure of the account and the bank account can be held to be a property within the meaning of the said Section 102(1) and there is a justification to protect the interest of the complainant and the IO could seize the same if the material discloses that there was a transaction between the accused persons as well as this petitioner.

6. Learned counsel for the respondent-complainant further submits that insofar as defreezing the accounts is concerned, if the petitioners give an undertaking before this Court that they are not going to utilise the amount of Rs.1,35,00,000/-, this Court can pass an appropriate order to defreeze the same.

7. Learned counsel appearing for the respondent-State also submits that there are materials found during the course of investigation that the amount of the complainant was transferred to the account of the petitioners and the trial Court also taken note of the same while rejecting the application filed under Sections 451 and 457 of Cr.P.C. and hence, the trial Court has not committed any error.



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8. In reply to the above argument, the learned counsel appearing for the petitioners submits that the bank account of the petitioners bearing No.0992000100135201 of Karnataka Bank Ltd., Srinagara Branch, Bengaluru, is also freezed. Learned counsel also brought to the notice of this Court Annexure-A, wherein details are given in notice dated 11.08.2022 in total 13 accounts pertaining to the Karnataka Bank.

9. Having heard the learned counsel for the petitioners, learned counsel appearing for the respondents and also considering Annexure-A freezing of 13 accounts pertaining to the Karnataka Bank belonging to the petitioners and also considering the rejection of the application filed under Sections 451 and 457 of Cr.P.C. in respect of the account in SBI Bank and when the counsel appearing for the respondent-complainant submits that though the grievance of the complainant is with regard to Rs.2,80,00,000/-, which is invested at the instance of the accused Nos.1 and 2, but the amount belonging to the respondent-complainant transferred to



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the petitioners is to the tune of Rs.1,35,00,000/- and there is no other grievance of the complainant with the petitioners. Considering the grievance of the petitioners that in view of freezing of the accounts, they could not be able to make payment in respect of the several hundreds of employees and also their business is stand still and could not be able to pay the salary and also considering the submission of the learned counsel for the respondent-complainant that in order to safeguard the interest of the respondent-complainant, if undertaking is given by the petitioners, instead of freezing 13 Karnataka Bank accounts of the petitioners and also the account in SBI Bank, in respect of which rejection order is passed by the trial Court on the application filed under Sections 451 and 457 of Cr.P.C., it is appropriate to direct the petitioners not to utilise the amount to the tune of Rs.1,35,00,000/- and withhold the said amount either in the accounts in Karnataka Bank or in the State Bank of India, till the disposal of the case by the trial Court and permit the petitioners to utilise the amount in excess of Rs.1,35,00,000/-



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since the subject matter in issue is only to an extent of Rs.1,35,00,000/-.

10. With the aforesaid observation, I proceed to pass the following:

ORDER

- i. Both the petitions are ***disposed of*** and consequently the order dated 21.07.2022 passed by the IV ACMM, Bengaluru in Crime No.256/2021 on the application filed by the petitioner under Section 451 and 457 of Cr.P.C. is also modified by modifying to the above terms.
- ii. The petitioners are directed not to utilise the amount to the tune of Rs.1,35,00,000/- and withhold the said amount either in the accounts in Karnataka Bank or in the State Bank of India, till the disposal of the case by the trial Court
- iii. The accounts of the petitioners referred in Annexure-A are defreezed subject to the aforesaid condition.

Sd/-
(H.P.SANDESH)
JUDGE