



NC: 2026:KHC:37173
CRL.P No. 8002 of 2019

CNR: KAHC010462182019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8002 OF 2019

BETWEEN:

JADEESHA
S/O HANUMAGOWDA,
AGED ABOUT 44 YEARS,
R/O HALLIHAL VILLAGE,
HARIHARA TALUK,
DAVANAGERE-577 006.

...PETITIONER

(BY SRI S G RAJENDRA REDDY, ADVOCATE)

AND:

1. THE STATE BY SHO OF
MALEBENNUR POLICE STATION,
HARIHARA, DAVANAGERE DISTRICT,
REP BY SPP, HIGH COURT
BENGALURU - 560 001.
2. SRI KUBERAGOWDA,
S/O HANUMANTHAPPA,
AGED ABOUT 31 YEARS,
R/A HALIHAL VILLAGE,
HARIHARA TALUK,
HARIHARA - 577 008.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
SRI VIJAYA KUMAR B.H., ADVOCATE FOR
SRI V.B.SIDDARAMAIAH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO QUASH
THE COMPLAINT AND FIR REGISTERED IN CR.NO.117/2019 BY
MALEBENNUR POLICE, HARIHARA TALUK, DAVANAGERE DISTRICT

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



NC: 2026:KHC:37173
CRL.P No. 8002 of 2019

CNR: KAHC010462182019

FOR OFFENCE P/U/S 420 OF IPC AND SECTION 39 OF KARNATAKA MONEY LENDERS ACT AND SECTIONS 3 AND 4 OF KARNATAKA PROHIBITION OF CHARGING EXORBITANT INTEREST ACT, PENDING ON THE FILE OF II ADDL. CIVIL JUDGE AND JMFC, HARIHARA, DAVANAGERE.

THIS PETITION IS COMING ON FOR *ADMISSION*, 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.117/2019 by Malebennur Police Station, Davanagere for offences punishable under Section 420 of Indian Penal Code, 1860 (**IPC**), Section 39 of Karnataka Money Lenders Act, 1961 (**KML Act**), Sections 3 and 4 of Karnataka Prohibition of Charging Exorbitant Interest Act, 2004 (**Interest Act**), presently pending on file of II Additional Civil Judge & JMFC, Harihara, Davanagere, this petition is filed.

2. Sri SG Rajendra Reddy, learned counsel for petitioner submitted that petitioner was accused no.2 in complaint filed by respondent no.2 on 10.08.2019. It was submitted, main grievance of complainant was against Manjulamma, arraigned as accused no.1 and there was absolutely no allegation against petitioner nor any overt-acts



CNR: KAHC010462182019

mentioned. It was submitted, reference of petitioner's name in complaint was only as accompanying accused no.1. In view of above, initiation of proceedings against petitioner would amount to abuse of process and sought for quashing.

3. Smt.Sowmya R., learned HCGP for respondent no.1-State and Sri Vijaya Kumar BH., learned counsel appearing for Sri VB Siddaramaiah, advocate for respondent no.2 opposed petition. It was submitted by learned HCGP that complaint contained specific allegation that accused no.2 was brother of accused no.1 and both accused had charged compound interest on amount borrowed by complainant from accused no.1 and against said due, forced complainant's mother to execute Agreement of Sale with possession in their favour and even when complainant had sold another land and approached accused with money and requested for handing over or cancellation of Agreement of sale, they refused to do so and thereby expressed clear intention that they had intended to cheat complainant by charging exorbitant interest which would constitute offence under KML Act as well as Interest Act and refusal to receive money and return Agreement of sale/land



CNR: KAHC010462182019

would amount to cheating constituting offence under Section 420 of IPC. Therefore, registration of FIR against accused was fully in accordance with law and contention of petitioner that there were no allegation against him being involved in any of offences alleged would be matter for elucidation in investigation and trial. Therefore, sought for dismissal.

4. Heard learned counsel and perused material on record.

5. At outset, this petition is by accused no.2 challenging registration of FIR for offence punishable under Section 420 of IPC, Section 39 of KML Act and Sections 3 and 4 of Interest Act. Challenge is solely on ground that there were no overt-acts alleged against petitioner except bare mention that along with accused no.1, he had committed offences.

6. Perusal of complaint dated 10.08.2019 would reveal complainant's specific assertion that complainant had borrowed sum of Rs.4,15,000/- from accused no.1 and thereafter repaid sum of Rs.1,00,000/- but accused had charged compound interest and demanded exorbitant amount and virtually coerced



**NC: 2026:KHC:37173
CRL.P No. 8002 of 2019**

CNR: KAHC010462182019

complainant's mother to execute Agreement of Sale in respect of land and took possession of said land. There is also further allegation that when complainant had sold his other land and approached accused with outstanding amount of Rs.5,00,000/- instead of receiving same and returning land, accused had demanded Rs.14,00,000/- and thereby exhibited intention to cheat complainant. Above allegations would indicate that accused had charged compound interest at 2% per month and refused to acknowledge repayment would *prima facie* appears ingredients of offences alleged under IPC as well as KML Act and Interest Act against both accused.

7. Veracity of allegations and whether prosecution would be able to produce any material against petitioner would be matters for investigation/trial. No good ground is made out for interference. Hence, reserving liberty to petitioner to urge all contentions at appropriate stage, petition stands ***dismissed***.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV
List No.: 1 Sl No.: 20