



CNR: KAHC010489632019

NC: 2025:KHC:51608
CRL.P No. 8629 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO.8629 OF 2019

BETWEEN:

1. SMT.RASHIMI NAUTIIYAL
W/O MR.RAKESH KUMAR
AGED ABOUT 33 YEARS
2. SRI RAMADAS NAUTIIYAL
S/O SRI HARSUKH NAUTIIYAL
AGED ABOUT 65 YEARS
3. NITHIN NAUTIIYAL
S/O RAMADAS NAUTIIYAL
AGED ABOUT 40 YEARS

ALL ARE RESIDENTS OF
NO.130/1, BLOCK-2
ARYANAGAR, DEHRADUN
UTTARAKHAND - 248 001.

ALSO RESIDINT AT
BANK OF INDIA,
BUILDING NO.83, NO.408,
DIAGONAL ROAD, V.V.PURAM,
BANGALORE - 04.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...PETITIONERS

(BY SRI SPS KHADRI, ADVOCATE)

AND:

1. THE STATE BY
WHITEFIELD POLICE STATION
BANGALORE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA.
BANGALORE - 560 001.



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2. SRI RAKESH KUMAR
S/O SRI BEER SINGH
AGED ABOUT 37 YEARS
FLAT NO.A-1, NMS HOME
RUSTAMJI LAYOUT
WHITEFILED, BANGALORE - 66.

...RESPONDENTS

(BY SMT.SOWMYA R., HCGP FOR R1;
SRI ANKUR GOEL, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE FIR IN CR.NO.314/2019 ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT BENGALURU REGISTERED BY WHITEFIELD P.S., WHITEFILED SUB DIVISION, BENGALURU CITY AGAINST THE PETITIONERS FOR THE OFFENCE P/U/S 420 OF IPC, BASED ON THE COMPLAINT LODGED BY THE 2ND RESPONDENT ON 02.07.2019.

THIS PETITION, COMING ON FOR , 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.314/2019 by Whitefield Police Station, Bangalore and presently stated to be pending on file of Additional Chief Judicial Magistrate, Bangalore Rural District, Bangalore for offence punishable



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under Section 420 of Indian Penal Code, 1860 ('**IPC**'), this petition is filed.

2. Sri SPS Khadri, learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 to 3 in complaint filed by respondent no.2 (complainant) on 02.07.2019 alleging that accused no.1 (wife) was staying with him since date of marriage and on 22.07.2016, she called her father and brother to house with criminal intention to harass him and filed false case for offence punishable under Section 498A of IPC and on same day, they abused and fought with him and when he went to office next day, accused no.1 had left with her father and brother and taken away all jewelleries worth Rs.5.5 lakhs and Rs.25,000/- cash amount given at time of marriage and thereafter. It was further alleged that he had spent more than Rs.2,00,000/- to take accused no.1 to Malaysia for honeymoon and showered her with gifts of cash, gold and clothes on occasion of *Karva Chauth*. He requested Police to bring her back and recover cash, jewelleries etc. Complaint was registered as Crime no.314/2019 at Whitefield



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Police Station for an offence punishable under Section 420 of IPC. Aggrieved by thereby, present petition was filed.

3. It was firstly submitted that marital relationship between accused no.1 and respondent no.2 (complainant) had soured and there were various petitions and complaints filed. Though, respondent no.2 had filed MC no.56/2017 under Section 9 of Hindu Marriage Act, 1955, for restitution of conjugal rights, incident in question was not pleaded therein. Hon'ble Supreme Court in petition for Special Leave to Appeal (Criminal) no.12153/2023, disposed of on 02.08.2024, had taken note of facts and circumstances, namely absence of any allegation in petition filed for restitution of conjugal rights and quashed FIR no.221/2019 registered by Dalanwala Police Station filed against present complaint. It was submitted, same analogy would apply to impugned complaint and further submitted that there were no essential ingredients of offence alleged and filing of complaint would be abuse of process and sought for quashing.



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4. On other hand, Smt.Sowmya R., learned HCGP for respondent no.1 - State and Sri Ankur Goel, learned counsel for respondent no.2 (complainant) opposed petition. It was submitted that complainant had bills for all jewelleries and therefore, taking away of jewelleries would amount to criminal breach of trust, even if ingredients for offence under Section 420 of IPC were not established. It was further submitted that observations by Hon'ble Supreme Court were in relation to a false complaint filed by petitioners herein and therefore, sought for dismissal.

5. Heard learned counsel and perused material on record.

6. This petition is by petitioners (accused no.1 to 3) challenging registration of FIR.

7. Hon'ble Supreme Court in **Anukul Singh v. State of Uttar Pradesh**, reported in **2025 SCC OnLine SC 2060**, held that in case of challenge of FIR, scope for interference would be to examine whether complaint averments without anything being added or deducted indicate occurrence of any



offence. In instant case, FIR registered for offence under Section 420 of IPC. Bare perusal of complaint does not substantiate said offence. One of most essential ingredients for offence under Section 420 of IPC, would be dishonest intention from inception and there is no allegation about any dishonest intention on part of accused from inception. Though, learned counsel for respondent no.2 (complainant) sought to justify complaint as indicating ingredients for offence of criminal breach of trust under Section 406 of IPC, it seen that allegation against accused herein is about taking away of all jewelleries on 22.07.2016 and complaint is given on 02.07.2019. In entire petition filed by complainant in MC no.56/2017 on 16.03.2017 (i.e. after date of alleged incident) there are no allegations as made herein. Therefore, reason assigned by Hon'ble Supreme Court for quashing FIR no.221/2019 would apply. In case of complainant has grievance against his wife about taking away of jewelleries, same ought to have been sorted out in pending divorce proceedings and resort to criminal proceedings would be an abuse of process.



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8. Hence, petition is ***allowed*** and proceedings in Crime no.314/2019 on file of Additional Chief Judicial Magistrate, Bangalore for offence punishable under Section 420 of IPC, stands ***quashed*** with liberty as noted above.

In view of disposal of petition, pending applications, if any, stand disposed of.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 10