



CNR: KAHC010501842021

NC: 2026:KHC:36839
CRL.P No. 10265 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 10265 OF 2021

BETWEEN:

GANESH RAMACHANDRA
S/O LATE RAMACHANDRA,
AGED ABOUT 52 YEARS,
R/AT NO.1/1, RAHEJA ARCADE,
NO.348, KORAMANGALA,
BANGALORE - 560 095.

...PETITIONER

(BY SRI THANGARAJAN J., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BIAL POLICE STATION,
DEVANAHALLI SUB-DIVISION,
REP. BY ITS SPP,
HIGH COURT COMPLEX,
BENGALURU - 560 001.
2. SRI DR. EASWAR SRIKUMAR
S/O K.V. EASWR IYER,
AGED ABOUT 72 YEARS,
R/AT 537, 8TH CROSS,
JP NAGAR, 3RD PHASE,
BENGALURU - 560 078.

...RESPONDENTS

(BY SRI JAVEED S., HCGP FOR R1;
R2 - SERVED)

THIS CRL.P IS FILED U/S.482 CR.P.C., PRAYING TO QUASH
ENTIRE PROCEEDINGS AS AGAINST PETITIONER IN CR.NO.115/2021
DATED 22.10.2021 ON THE FILE OF BIAL POLICE, DEVANAHALLI

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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SUB-DIVISION, BENGALURU FOR OFFENCES PUNISHABLE UNDER
SECTIONS 406, 420 R/W 34 OF IPC AND ETC.,

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.115/2021 by
BIAL Police Station, Devanahalli Sub-Division, Bengaluru, for
offences punishable under Sections 406 and 420 read with
Section 34 of Indian Penal Code, 1860 (**IPC**), this petition is
filed.

2. Sri Thangarajan J., learned counsel for petitioner
submitted that on 21.10.2021, respondent no.2 (complainant)
herein filed complaint stating that he was working with family
headed by Lal Manghanmal Hiranand (**Hiranand**), a resident of
Hong Kong his wife Mrs.Hiranand, two sons Shaon and Ravine
and daughter Priya, who had executed a General Power of
Attorney (**GPA**) in favour of complainant to take care of their
assets after death of Hiranand. It was stated that complainant
and his wife Late Lalitha Srikumar were appointed as Executors
of Will dated 18.12.1999 executed by Hiranand.



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3. It was stated that even Mrs.Hiranand had executed a Special Power of Attorney in favour of complainant and he had discharged authorization from 1995 to 2001. But in 2011, Mrs.Hiranand had filed false documents and affidavits in High Courts at Singapore and obtained default judgment for HK \$5 Million against complainant. For execution of said award, she had approached Principal District Court, Chengalpet with claim of Rs.54 Crores. Though same was dismissed, she had filed appeal in EP no.46/2014. During pendency of above Execution Petition, Mrs.Hiranand offered to settle matter amicably by agreeing to receive Rs.2.2 Crores after negotiation for which about 28 sittings were held over two and half years. She had insisted on being furnished certain documents prior to completion of such settlement, even though same were not part of Execution Proceedings. For said purpose, she had agreed to pay USD 3,00,000 and insisted that documents had to be verified by her counsel, for which she engaged assistance of 5 lawyers and who were also witnesses and signatories to agreement of settlement dated 07.05.2019. Based on said settlement, on 07.05.2019, an Escrow Agreement was executed between complainant and Mrs. Hiranand appointing



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Partha Mandal, his legal assistant Ms.Anju Nair advocates as Escrow Agents to mediate. Apart from them, there were three others. As agreed, after scrutiny of documents, Mrs.Hiranand expressed satisfaction and agreed to take documents and pay USD 3,00,000 to complainant on same day. Based on assurance, documents were handed over. However, it was later learnt by complainant that bank transfer certificates issued by Mrs.Hiranand to show remittance of USD 3,00,000 were fake and fabricated and that counsel engaged by her had failed to verify same. Alleging that same had led to complainant suffering wrongful loss, complaint was filed. Same was registered as Crime no.115/2021 for offences punishable under Sections 406 and 420 of IPC.

4. It was submitted, even as per complainant, role of accused no.6 (petitioner) was only as a professional rendering professional service to his client. There were absolutely no allegations made against petitioner. Besides invocation of offences under Sections 406 and 420 of IPC in respect of same incident would be untenable. It was submitted, there were neither allegations of petitioner having known ill-intention of



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accused no.7 nor petitioner having misappropriated any property lawfully handed over. Consequently, both on ground that offences under Sections 406 and 420 IPC could not go together as well as on ground that there were no essential ingredients to substantiate either of offences alleged, it was submitted, complaint was liable to be quashed.

5. It was submitted that dispute was entirely civil in nature and that this Court in Crl.P.no.8692/2021 **[2023:KHC:44644]** (**Gaurav Chatterjee**'s case) had quashed proceedings insofar as accused no.5. Learned counsel sought for allowing petition on ground of parity as well.

6. Sri Javeed S., learned HCGP for respondent-State would oppose petition by submitting that petition was filed challenging registration of FIR even prior to conclusion of enquiry or investigation. It was further submitted, contentions urged were in nature of defence and elucidation of which would be matter for investigation and trial and sought for dismissal.

7. Respondent no.2-complainant is served but unrepresented.



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8. Heard learned counsel and perused material on record.

9. This petition is by accused no.6 challenging registration of FIR in Crime no.115/2021 for offences punishable under Sections 406 and 420 of IPC.

10. It is settled law that in case of challenge of FIR, Court would only scrutinize contents of complaint to find out whether they would disclose commission of offence. A perusal of complaint herein would indicate that entire grievance of complainant appears to be against accused no.1. There are no overt acts attributed to petitioner herein constituting offences under Sections 406 or 420 of IPC. There are neither allegations of knowledge on part of petitioner about ill-intention of accused no.6, as would constitute offence of cheating, nor any allegation of misappropriation to constitute essential ingredient of offence under Section 406. Further, petitioner provided professional services to his client and merely on count that she was alleged to have committed any crime cannot be a ground to arraign petitioner.



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11. Besides, for want of specific overt acts insofar as accused, this Court in **Gaurav Chatterjee's** case (supra) has quashed proceedings insofar as accused no.5. Reasons stated as well as circumstances in said matter would squarely cover petitioner's case as well.

12. For above reasons, petition would **succeed**, FIR in Crime no.115/2021 registered by BIAL Police Station, Devanahalli Sub-Division, Bengaluru, for offences punishable under Sections 406 and 420 read with Section 34 of IPC stands quashed *qua* petitioner-accused no.6.

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

AV
List No.: 1 Sl No.: 32