



NC: 2026:KHC:56098
CRL.P No. 11725 of 2026

CNR: KAHC010532892026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 11725 OF 2026

BETWEEN:

NAGARAJA Y
AGED ABOUT 48 YEARS
S/O TIPPESWAMY
R/O AT 31ST MAIN ROAD,
VTC: HULIKUNTA,
POST: HULIKUNTA
VIJAYANAGARA DISTRICT - 583 130.

...PETITIONER

[BY SRI PAVANA CHANDRA SHETTY, ADVOCATE]

AND:

STATE OF KARNATAKA
PEENYA POLICE STATION,
BENGALURU DISTRICT
REP. BY HIGH COURT SPP
BENGALURU - 560 001.

...RESPONDENT

[BY SRI VINAY MAHADEVAIAH, HCGP]

THIS CRL.P IS FILED U/S.482 CR.P.C., PRAYING QUASH TO THE CHARGESHEET IN CRIME NO.277/2025 REGISTERED BY PEENYA P.S. ON PENDING FILE OF THE XXXI ADDL. CJM, BANGALORE CITY, AGAINST THE PETITIONERS FOR THE OFFENCE P/U/S 318(4), 319(2) R/W 3(5) OF BNS, PRODUCED HERewith AS DOCUMENT NO.1. ALLOW THIS CRIMINAL PETITION.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging charge sheet in CC no.24880/2026 on file of XXXI Addl. CJM, Bangalore City in Crime no.277/2025 registered by Peenya Police Station, Bengaluru for offences punishable under Sections 318 (4), 319 (2), 308 (2) read with Section 3 (5) of Bharatiya Nyaya Sanhita, 2023 (**BNS**), this petition is filed.

2. Sri Pavana Chandra Shetty, learned counsel for petitioner submitted that petitioner was accused no.4 (**petitioner**) in complaint filed on 24.05.2025 by Ramananda Naik (**complainant**) stating that he was retired Bank Manager and Ranjith alias Kiran Kumar (**accused no.1**) became closely acquainted with complainant after being introduced by his tenant Raghav. It was alleged that initially, accused no.1 took Rs.3 Lakhs from complainant promising to procure Gold at half of market price. Thereafter he told complainant that if he cleared his outstanding Bank loan of Rs.2 Lakhs, he would be



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eligible for fresh loan of Rs.5 Lakhs. Believing same, complainant paid Rs.2 Lakhs to accused no.1. But when complainant demanded repayment, accused no.1 informed him that due to low CIBIL score, loan was not yet sanctioned and assured him full repayment soon.

3. In February 2024, informing complainant that he knew persons working in Reserve Bank of India (**RBI**) and who if paid Rs.5 Lakhs would give him Rs.15 Lakhs, accused no.1 received further Rs.3 Lakhs from complainant. Fortnight later at a hotel in Gandhinagar, accused no.1 introduced Jayaram as RBI employee and they claimed that on payment of Rs.15 Lakhs, complainant would be given Rs.50 Lakhs worth of rejected currency. Even though complainant expressed about not having such amount, on their insistence he agreed. Thereafter in December 2024, he transferred Rs.25,000/- by PhonePe to Divya - wife of accused no.1 who contacted complainant for money to secure release of her husband detained by Police near KB Cross. Once again, when he received calls from mobile numbers 9448754115 and 9141121965 at about 10:30 p.m. on 02.03.2025, wherein



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callers identified themselves as Intelligence Officers informing about arrest of accused no.1 with Rs.2 Crores in cash and demanding Rs.15 Lakhs for release of accused no.1, he transferred Rs.30,000/- by PhonePe to accused no.1. And that on 04.03.2025, he paid Rs.70,000/- in cash to accused no.1. Four days later, accused no.1 called complainant to come near Nagawara and after introducing one Jagadish as Intelligence Officer asking him to pay him, he paid Rs.5,000/- to Jagadish and next day when accused no.1 took him near CBI office in his car, made him remain inside it and took Rs.1 Lakh for handing over to concerned Officer.

4. But on 17.05.2025, he received call from Gajendra (**accused no.2**) claiming to be a friend of accused no.1 asking complainant to come to Hiriyur. Accordingly, when he traveled from Bengaluru by Bus and reached Challakere at about 10:30 p.m. a yellow-board car (**Car**) driven by accused no.2 arrived with accused no.1 and two others, one of whom accused no.1 introduced as Police Officer stated that accused no.1 and 2 were detained by him while carrying money and demanded Rs.15 Lakhs for release, by threatening to register criminal



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case. When complainant expressed inability, he took Rs.4,000/- and left. Thereafter, on 18.05.2025, he transferred Rs.50,000/- to accused no.2 by PhonePe.

5. Alleging that accused had repeatedly demanded money from him by threatening to disclose his involvement in demand for rejected currency notes and spoil his reputation and owing to such threats, intimidation and in fear he was induced to pay Rs.15 Lakhs, sought legal action. Based on same, FIR in Crime no.277/2025 was registered by Peenya Police Station, Bengaluru for offences punishable under Sections 318 (4), 319 (2), 308 (2) read with Section 3 (5) of BNS against accused no.1 to 3. After investigation, police filed charge sheet in CC no.24880/2026 on file of XXXI Addl. CJM, Bangalore City against accused no.1 to 6. Aggrieved, this petition was filed by accused no.4.

6. At outset, it was submitted that impugned proceedings insofar as petitioner were liable to be quashed on ground of total absence of specific allegations against petitioner arraigned as accused no.4. There was absolutely no reference to petitioner in complaint. In fact, only reference to petitioner



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in Charge Sheet was that on 17.05.2025, he along with accused no.3 threatened complainant to pay Rs.15 Lakhs apart from omnibus allegation that after receiving Rs.50,000/- on 18.05.2025, accused no.1 to 4 pestering him for balance amount.

7. Apart from above, complainant had died for reasons unconnected with incident or petitioner, before recording of his statement before Magistrate. Relying on decisions of this Court in **Mohammed Sinan v. State of Karnataka and Anr.** reported in [**2025:KHC:26724**] and High Court of Calcutta in **Ramlal v. State of West Bengal** reported in **2026 CrI.LJ 2943**, holding that confessional statement of co-accused cannot be taken as substantive evidence co-accused, it was submitted without eyewitnesses and arraignment being based on voluntary statements of accused no.1, 2 and 3 was without possibility of conviction.

8. And relying on entry at Sl.no.11 of Station House Dairy extract dated 24.05.2025 assigning duty to Police Head Constable (**PHC-1103**) i.e. petitioner, it was submitted that petitioner was on duty at Hiriyur on date of incident. It was submitted, there was no material implicating petitioner of *mens*



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rea of offences or about receiving any amount or telephonic conversation with complainant nor any recovery from him. Above material, would cast grave doubt about petitioner's participation in crime. Consequently continuation of proceedings qua petitioner would amount to abuse of process of law. On above grounds, prayed for quashing of proceedings.

9. Sri Vinay Mahadevaiah learned HCGP for respondent - State opposed petition. It was submitted, charge sheet discloses about petitioner being in car when money was being extracted from complainant. It was further submitted that accused no.1 to 3 voluntary statement implicate accused no.4 as being part of alleged incident. On above grounds sought for dismissal.

10. Heard learned counsel and perused material on record.

11. This petition is filed challenging charge sheet for offences punishable under Sections 318 (4), 319 (2), 308 (2) read with Section 3 (5) of BNS.



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12. Main grounds urged are absence of specific allegations; complaint/FIR not mentioning him; no allegation of any amount received by petitioner or about calls between him and complainant; death of complainant; and impossibility of conviction based on statements of co-accused.

13. Perusal of entire prosecution material indicates that petitioner is implicated only in further statement of complainant who has died, statement of CW.8 (Raghu Kumar) - who is clearly hearsay witness and CW.15 who apprehended petitioner at Hiriyr. Other material sought to be relied on against petitioner are statements of co-accused.

14. Insofar as death of complainant before recording of his statement by Court, Hon'ble Supreme Court in **Lalita v. Vishwanath & Ors. [2025 INSC 173]**, held FIR is not substantive evidence and can be used only to corroborate or contradict and would not be admissible as evidence unless it meets requirements of dying declaration under Section 32 of Indian Evidence Act, 1872. Therefore, if first informant passes away from causes unrelated to case, contents of complaint/FIR



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cannot be proved through Investigating Officer (IO). Said ratio would apply to present case.

15. Insofar as confessional statements of co-accused, Hon'ble Supreme Court in **Surinder Kumar Khanna v. Directorate of Revenue Intelligence** reported in **(2018) 8 SCC 271**, held, confessional statement of a co-accused cannot be taken as substantive evidence against another co-accused and can at best be used or utilised in order to lend assurance to Court.

16. Similar view is expressed insofar as statements recorded by Police by Hon'ble Supreme Court in **Rajeev Kourav v. Baisahab** reported in **(2020) 3 SCC 317**:

"10. We do not agree with the submissions made on behalf of Respondents 1 to 3. The conclusion of the High Court to quash the criminal proceedings is on the basis of its assessment of the statements recorded under Section 161 CrPC. **Statements of witnesses recorded under Section 161 CrPC being wholly inadmissible in evidence cannot be taken into consideration by the Court, while adjudicating a petition filed under Section 482 CrPC** [Rajendra Singh v. State of U.P., (2007) 7 SCC 378 : (2007) 3 SCC (Cri) 375]."



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17. Only remaining material/circumstance against petitioner is his apprehension at Hiriya along with other accused. Said circumstance would at best lend suspicion of petitioner having involved with other accused in commission of offence. But there is no material to implicate petitioner with any of acts which would form essential ingredients of offences alleged.

18. Besides above for purposes of Section 318 (4) of BNS (equivalent to Section 420 of IPC), it would not be sufficient for complainant to merely allege that he was cheated. Hon'ble Supreme Court in case of **Mohd. Ibrahim v. State of Bihar** reported in **(2009) 8 SCC 751**, held:

"18. Let us now examine whether the ingredients of an offence of cheating are made out. The **essential ingredients of the offence of "cheating"** are as follows:

- (i) deception of a person either by making a false or misleading representation or by dishonest concealment or by any other act or omission;
- (ii) fraudulent or dishonest inducement of that person to either deliver any property or to consent to the retention thereof by any person or to intentionally induce that person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived; and
- (iii) such act or omission causing or is likely to cause damage or harm to that person in body, mind, reputation or property.



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19. To constitute an offence under Section 420, there should not only be cheating, but as a consequence of such cheating, the accused should have dishonestly induced the person deceived

(i) to deliver any property to any person, or
(ii) to make, alter or destroy wholly or in part a valuable security (or anything signed or sealed and which is capable of being converted into a valuable security)."

19. Further in **Hira Lal Hari Lal Bhagwati v. CBI** reported in **(2003) 5 SCC 257**, it held that for establishing offence under Section 420 of IPC, fraudulent or dishonest intention is required to be established at time of making promise. But both essential ingredients of offence i.e. fraudulent or dishonest inducement and delivery of property, are absent insofar as petitioner.

20. Further offence under Section 319 (2) of BNS i.e. cheating by personation, would arise only in case of concealment of true identities and false representation to induce complainant into a false state of belief, which are also absent in present case.

21. In absence of any material constituting evidence to indicate extortion by petitioner invocation of Section 308 (2) of BNS would also be ill-founded. Hon'ble Supreme Court in case



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of **Dhananjay v. State of Bihar** reported in **(2007) 14 SCC 768**, held:

"5. Section 384 provides for punishment for extortion. What would be an extortion is provided under Section 383 of the Penal Code in the following terms:

"383. Extortion.—Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits 'extortion'."

6. A bare perusal of the aforementioned provision would demonstrate that the following ingredients would constitute the offence:

1. The accused must put any person in fear of injury to that person or any other person.
2. The putting of a person in such fear must be intentional.
3. The accused must thereby induce the person so put in fear to deliver to any person any property, valuable security or anything signed or sealed which may be converted into a valuable security.
4. Such inducement must be done dishonestly."

22. Lastly, to constitute offence under Section 3 (5) of BNS prosecution would require to indicate some prior concert or pre-arranged plan. In present case, there are no digital logs, call records or sequential actions to establish common criminal intent nor recovery made from petitioner. Thus, it has to be



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held that prosecution material fails far short of material to establish prima facie case against petitioner. Consequently, in absence of possibility of conviction, continuation of proceedings would amount to abuse of process.

23. Hence, following:

ORDER

- (i) Petition ***succeeds***.
- (ii) Charge sheet and entire proceedings in CC no.24880/2026 on file of XXXI Addl. CJM, Bangalore City in Crime no.277/2025 registered by Peenya Police Station, Bengaluru stand quashed *qua* petitioner-accused no.4.

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

YKL,AV
List No.: 1 Sl No.: 49