



CNR: KAHC010561842023

NC: 2026:KHC:55514
CRL.P No. 11942 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11942 OF 2023

BETWEEN:

SRI N. NANJUNDAIAH
AGED ABOUT 49 YEARS
S/O LATE S. NARAYANAPPA
NO.861, KANVA SREE SAI COMPLEX
WOC ROAD, 2ND STAGE
RAJAJINAGAR, MODI HOSPITAL ROAD
BANGALORE - 560 086
FORMER DIRECTOR OF
SRI KANVA SARHARDHA
CO-OPERATIVE CREDIT LTD.

...PETITIONER

(BY SRI SHREERAM TIMMAPPA NAYAK, ADV.)

AND:

1. THE STATE OF KARNATAKA
BASAVESHWARA NAGAR P.S
REP BY THE SPP HIGH COURT
BANGALORE - 560 001.
2. G.S. NAGARAJ UPADHYA
ALIAS G.S. NAGRAJA UPADHYA
S/O SUBBARAO G.S
AGED ABOUT 72 YEARS
R/AT NO. 1529/1, B.S. ROD
9TH WARD, TURUVEKERE
TUMKUR - 572 227.
3. SMT. G.N. JAYASHREE
W/O G.S. NAGRAJ UPADHYA
AGED ABOUT 69 YERS
REP. BY HER GPA HOLDER
G.S NAGARAJ UPADHYA
R/AT NO. 1529/1

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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B.S. ROAD, 9TH WARD
TURUVEKERE, TUMKUR - 572 227.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
SRI LAXMIKANTHA K.B, ADV., FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE PROCEEDINGS OF THE PCR NO.19389/2021 FILED BY THE RESPONDENT NO.2 AND 3 FOR THE OFFENCE P/U/S 120B, 166A, 415, 419, 420, 477, 477A OF IPC FILED BEFORE THE V ADDL.CHIEF METROPOLITAN MAGISTRATE BENGALURU AT BENGALURU WHICH IS HEREWITH PRODUCED AS ANNEXURE-B.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 482 of Cr.PC is filed by accused no.2 seeking for the following reliefs:

"I. Quash the proceedings of the PCR.No.19389/2021 filed by the Respondent no.2 and 3 for the offences 120B, 166A, 415, 419, 420, 477, 477A of Indian Penal Code filed before the V Additional Chief Metropolitan Magistrate, Bangalore, at Bangalore, which is herewith produced as Annexure-B.

II. Quash the FIR in Crime No.270/2021 for the offences 120B, 166A, 415, 419, 420, 477, 477-A of



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Indian Penal Code filed by the Respondent No.1 police which is herewith produced as Annexure-A and trial by the V Additional Chief Metropolitan Magistrate Bangalore at Bangalore.

III. Pass such other relief as this Hon'ble Court deems fit to grant on the facts and circumstances of the case."

2. Heard the learned Counsel for the parties.
3. Learned Counsel for the petitioner submits that similar private complaints were filed by respondent no.2 herein and the proceedings in the said private complaints have been already quashed by the Co-ordinate bench of this Court in Crl.P.No.6583/2023, Crl.P.No.6555/2023, Crl.P.No.6571/2023, Crl.P.No.7771/2023, Crl.P.No.7644/2023, Crl.P.No.7770/2023 and Crl.P.No.6018/2023, etc., by order dated 17.03.2025. Under the circumstances, even the proceedings in the present case is liable to be quashed. Accordingly, prays to allow this petition.
4. Learned HCGP fairly submits that the order passed in the aforesaid criminal petitions squarely covers the question that



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arises for consideration in this petition, and therefore, the impugned proceedings is liable to be quashed.

5. Learned Counsel for respondent no.2, however, submits that the proceedings in Spl.C.No.191/2021 and 192/2021 has nothing to do with the allegations found in the present case as against the petitioner herein.

6. The records would reveal that respondent no.2 herein had filed a private complaint in PCR.No.19389/2021 before the Court of V Addl. Chief Metropolitan Magistrate, Bengaluru, which was referred to the jurisdictional police for investigation and subsequently, FIR was registered in Crime No.270/2021 by Basaveshwaranagar Police Station, Bengaluru City, for the offences punishable under Sections 120B, 166A, 415, 419, 420, 477, 477A of IPC against 6 persons and petitioner is arrayed as accused no.2 in the private complaint as well as in the charge sheet. The allegations found in the private complaint in which proceedings have been now quashed by the Co-ordinate bench of this Court in Crl.P.No.6583/2023, Crl.P.No.6555/2023, Crl.P.No.6571/2023, Crl.P.No.7771/2023, Crl.P.No.7644/2023,



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Crl.P.No.7770/2023 and Crl.P.No.6018/2023, etc., are identical to the averments which are found in the present private complaint.

7. The Co-ordinate bench of this Court in Crl.P.No.6583/2023 disposed of on 17.03.2025, in paragraph nos.7 to 9 has observed as under:

"7. The undisputed material on record also indicates that even prior to the impugned complaint filed by respondent No.2, proceedings in Spl.C.Nos.191/2021 and 192/2021 in relation to the instant alleged offences along with offences under KPIDFE Act are pending before the Special Court, in which the petitioner has also been arraigned as an accused person; it follows therefrom that the petitioner can't be prosecuted twice for the same offences by way of two / dual / parallel / simultaneous proceedings and on this ground also, the impugned proceedings deserve to be quashed.

8. A perusal of the order dated 22.10.2020 passed by the learned Magistrate will indicate that the learned Magistrate committed an error in referring the matter for investigation under Section 156(3) Cr.P.C. by passing the impugned cryptic, laconic, non-speaking and unreasoned order without any application of mind and without assigning any reasons for such reference for investigation, which is not sustainable in law in the light



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of the judgment of the Apex Court in Om Prakash's case supra and the impugned proceedings deserve to be quashed on this score also.

9. Learned counsel for the petitioner is also correct in his submission that the respondent No.2 – complainant herein is cited as a witness in Spl.C.Nos.191/2021 and 192/2021 before the Special Court and even otherwise, since he can be interrogated during the course of investigation / further investigation in the said pending cases, continuation of the impugned proceedings would be an abuse of process of law warranting interference by this Court in the present petition."

8. The said reasoning assigned by the Co-ordinate bench of this Court for quashing similar proceedings which were registered against the petitioner which arose out of PCR.No.11534/2020, would be squarely applicable to the case on hand. Under the circumstances, the following order:

9. Petition is allowed. The entire proceedings in Crime No.270/2021 registered by Basaveshwaranagar Police Station, Bengaluru City, for the offences punishable under Sections 120B, 166A, 415, 419, 420, 477, 477A of IPC, arising out of



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PCR No.19389/2021 pending before the Court of V Addl. Chief Metropolitan Magistrate, Bengaluru, is quashed as against the petitioner herein.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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