



CNR: KAHC010688862023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 97 OF 2024

BETWEEN:

1. SRI. N.JAGADISH,
S/O N.GOVINDA REDDY YADAV,
AGED ABOUT 60 YEARS,
PRESIDENT OF JNANAMANDIRA SCHOOL,
R/AT KANAKANAGAR,
J.P.NAGAR,
BANGALORE - 560 032.
2. SRI.SINGRE GOWDA,
W/O S.D.VASANTH GOWDA,
AGED ABOUT 58 YEARS,
MANAGING TRUSTEE CUM SECRETARY,
R/AT KANAKANAGAR,
J.P.NAGAR,
BANGALORE - 560 032.

...PETITIONERS

(BY SRI. KRISHNA MURTHY N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY KUMARASWAMY LAYOUT POLICE STATION
BANGALORE CITY,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
BENGALURU - 560001.



CNR: KAHC010688862023

NC: 2026:KHC:48665
CRL.P No. 97 of 2024

2. SRI. RAJANNA
S/O MUNIYAPPA,
AGED ABOUT 55 YEARS
R/O KANAKANAGAR,
J.P.NAGAR,
BANGALORE - 560 032.

...RESPONDENTS

(BY SRI.MAHESHA P. HCGP;
SRI.AFROZ PASHA, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE FIR NO.00350/2018 DATED 04.09.2018
REGISTERED BY THE K.S.LAYOUT POLICE STATION AS PER
ANNEXURE A, AND ETC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash
the proceedings in CC No.8279/2020, arising out of Crime
No.350/2018 dated 04.09.2018, filed by the Kumaraswamy
Layout Police Station, Bengaluru City, against the petitioners
for the offences punishable under Sections 406, 420 r/w 34 of
IPC pending on the file of IV ACMM Bengaluru.



CNR: KAHC010688862023

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 04.09.2018, alleging that he was appointed as a teacher at Jnana Mandir School, Kanakanagar, J.P.Nagar Post, Bengaluru, on 03.10.1997. It is further alleged that the petitioners/accused Nos.1 and 2, being the Secretary and President of the institution, respectively, demanded a sum of Rs.10,000/- for his appointment. It is also alleged that the petitioners represented to respondent No.2 that he would be appointed on a regular basis and, believing the said representation, he continued to work in the institution. However, instead of regularising his appointment, the petitioners allegedly cheated and mentally harassed him. After his appointment, respondent No.2 was paid only one-third of the salary until November 2013 and, thereafter, he did not receive any salary. On the strength of the said complaint, respondent No.1-Police registered a case against the petitioners for the aforementioned offences. Subsequently, respondent No.1-Police investigated the case and filed the charge-sheet against the petitioners. Accordingly, the learned Magistrate took cognizance of the offences. Being



CNR: KAHC010688862023

aggrieved by the same, the petitioners have preferred the present petition.

3. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned High Court Government Pleader for the respondent No.1 - State

4. The primary contention of the learned counsel for the petitioners is that respondent No.2/complainant was removed from service. Though respondent No.2 was appointed as a teacher in the year 1997, he was subsequently terminated from service on 14.11.2009. It is contended that, despite his termination from service, respondent No.2 did not raise any such allegation at the relevant point of time and remained silent for several years. Only after a lapse of nearly ten years from the date of his termination, he chose to lodge the present complaint against the petitioners. According to the learned counsel, the complaint has been lodged belatedly and is an outcome of vengeance against the petitioners, with an intention to settle the personal dispute arising out of his termination from service. Hence, the continuation of the criminal



CNR: KAHC010688862023

proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, he prayed to allow the petition.

5. *Per contra*, the learned counsel for respondent No.2 opposed the petition and submitted that respondent No.1-Police have already completed the investigation and filed charge-sheet against the petitioners after recording the statements of the material witnesses. He further submitted that the charge-sheet materials disclose sufficient *prima facie* material against the petitioners and, therefore, at this stage, the criminal proceedings cannot be quashed. Accordingly, he prayed for dismissal of the petition.

6. The learned HCGP also opposed the prayer of the petitioners and sought dismissal of the petition.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and perused the documents made available on record.



CNR: KAHC010688862023

8. As could be gathered from the records, though respondent No.2/complainant was appointed as a teacher at Jnana Mandir School, Kanakanagar, J.P.Nagar Post, Bengaluru, on 03.10.1997, he was subsequently terminated from service vide Circular dated 14.11.2009. Thus, the complaint came to be lodged after a lapse of nearly nine years, i.e., on 04.09.2018. In such circumstances, the allegation made in the complaint that the petitioners had demanded illegal gratification of Rs.10,000/- for confirming his services does not inspire confidence. The learned HCJP, on instructions, submitted that there are no documents forthcoming in the charge-sheet materials to substantiate either the alleged demand or acceptance of Rs.10,000/- as claimed by respondent No.2 in the complaint. In such circumstances, it can reasonably be inferred that the complaint has been lodged by respondent No.2 out of vengeance on account of his removal from service. In such circumstances, the Hon'ble Apex Court, in **Mahmood Ali v. State of U.P.**, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

"11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the



CNR: KAHC010688862023

inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

14.State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga



CNR: KAHC010688862023

Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)

“5. ... Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the



CNR: KAHC010688862023

NC: 2026:KHC:48665
CRL.P No. 97 of 2024

section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death.”

(emphasis supplied)

9. On collocating the aforesaid findings of the Hon'ble Apex Court with the facts and circumstances of the present case, it is evident from the records that the complaint was lodged after a lapse of nearly nine years from the date of termination of respondent No.2 from service. The circumstances on record indicate that the complaint has been lodged out of vengeance against the petitioners. Hence, placing reliance on the judgment referred to *supra*, I am of the considered opinion that continuation of the proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The proceedings in CC No.8279/2020, arising out of Crime No.350/2018 dated 04.09.2018, filed by the Kumaraswamy Layout Police Station, Bengaluru City, against the petitioners for the offences punishable under Sections 406, 420 r/w 34 of IPC currently



**NC: 2026:KHC:48665
CRL.P No. 97 of 2024**

CNR: KAHC010688862023

pending on the file of IV ACMM Bengaluru, is
hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 SI No.: 29