

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 14162 OF 2024

BETWEEN:

MR PRASANNA @ KIRAN
S/O NINGEGOWDA
AGED ABOUT 28 YEARS
NO.195/1, BANDEPALYA
GARVEBHAVI PALYA
NEAR SHIVA TEMPLE
BENGALURU-560 068

...PETITIONER

(BY SRI. C.R. GOPALASWAMY, SENIOR COUNSEL FOR
SRI. BHARGAV G, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY JIGANI P.S
BENGALURU RURAL DISTRICT
(REPRESENTED BY STATE
PUBLIC PROSECUTOR)
HIGH COURT BUILDING
BENGALURU-560 001.

2. B. GOWS
S/O LATE ISMAIL SAB
NO.29, GOWTHAM NAGARA
BELAGAL ROAD, BELLARI TOWN
BELLARI-583 101.

...RESPONDENTS

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

THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS)
PRAYING TO SET ASIDE THE ORDER OF COGNIZANCE DATED

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

21.01.2024 TAKEN AGAINST THE ACCUSED BY III ADDL. CIVIL JUDGE AND JMFC, ANEKAL IN CC.NO.100/2023 IN CR.NO.46/2022 OF JIGANI P.S., PENDING ON THE FILE OF III ADDL. CIVIL JUDGE AND JMFC, ANEKAL, BENGALURU RURAL DISTRICT.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 16.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioner/accused No.4 in C.C No. 100/2023 (arising out of Crime No. 46/2022 of Jigani Police Station), for the offence punishable under Section 379 of IPC, pending on the file of the III Additional Civil Judge & JMFC, Anekal, (for short, 'the learned Magistrate').

2. The abridged facts of the case are that on 13.03.2022, the complainant - B. Gous, working as a lorry driver, parked his truck (KA-34 C-3782) outside Bansal Precision Limited in Jigani Industrial Area. During the early hours of 13.03.2022, unknown miscreants ripped open the diesel tank cap of the truck and siphoned off diesel. As such, he lodged a complaint before the respondent-police. On the strength of the said complaint, FIR came to be registered in

Crime No. 46/2022 dated 13.03.2022 against the petitioner and others for the offences punishable under Sections 332, 353, 307 r/w Section 34 of IPC and Sections 25 and 27 of Arms Act, 1959. After the registration of FIR, respondent No.1-police conducted the investigation and laid charge-sheet against the petitioner and others by arraying this petitioner as accused No.4. Aggrieved by the same, the petitioner preferred this petition.

3. Heard the learned Senior counsel for the petitioner and the learned High Court Government Pleader for respondent No.1 - State. Though notice is served to respondent No.2, he remained absent.

4. Apart from urging several contentions, learned Senior counsel for the petitioner contended that respondent No.1-Police have mechanically filed a second charge sheet in respect of the very same incident, resulting in double prosecution. He submitted that, in Crime No.45/2022, registered for the offences punishable under Sections 420, 353, 323 and 307 r/w Section 34 of IPC and Sections 25 and 27 of the Arms Act, 1959, this Court had already quashed the proceedings against the petitioner in Crl.P.No.11450/2022.

5. It is further contended that, though the petitioner was initially shown in the FIR as "Kiran, aged 50 years", his name and age were subsequently altered in the charge sheet as "Prasanna @ Kiran, aged 30 years", without any corroborative material connecting him with the alleged offences. It is further submitted that the petitioner is a 27 years old Engineering graduate with no criminal antecedents and that the registration of the instant case in official portals is seriously affecting his employment prospects and amounts to malicious prosecution. Accordingly, he prays to allow petition.

6. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State opposed the petition and contended that, after completion of investigation, the charge sheet has been filed against the petitioner and others. The statements of the material eye witnesses *prima facie* disclose the involvement of the petitioner in the alleged offences. The FIR in Crime No.45/2022 was registered against the petitioner and others for an assault made by them to the Police Officer while commission of theft of diesel. The said complaint was lodged by the Police official for different cause of action. Hence, he submits that no ground is made out for quashing the proceedings and prays for dismissal of the petition.

7. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties, so also perused the entire charge sheet materials.

8. On perusal of the complaint and the charge sheet materials, it is seen that Crime No. 45/2022 was registered on the complaint lodged by the Police Inspector against the petitioner and others for assaulting and attempting to murder the police officers while fleeing after committing the offences alleged in this petition, whereas Crime No.46/2022 is an independent complaint lodged by the victim/driver regarding the alleged theft of diesel from his vehicle. The order passed in Crl.P.No.11450/2022 was rendered in the factual context of Crime No.45/2022 and cannot operate as an immunity against the alleged distinct offence of theft. The charge sheet in C.C.No.100/2023 contains independent investigation materials, including seizure mahazars and witness statements. Minor discrepancies regarding age or description of the accused are matters of defence to be evaluated during trial. The charge sheet materials discloses necessary ingredients to constitute alleged offences against the petitioner.

9. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious or oppressive. If the allegations set out in the complaint do not constitute offence of which cognizance has been taken by the magistrate it is open for this Court to quash the same. It is not necessary that a meticulous analysis of case should be done before trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegation therein, in the light of the statement made on oath that the ingredients of the offence are disclosed there would be no justification for this Court to interfere as held in the case of **SAU. KAMAL SHIVAJI POKARNEKAR VS. STATE OF MAHARASHTRA AND OTHERS** reported in **2019 (14) SCC 350**.

10. In the instant case, the charge-sheet materials, more particularly the statements of eye witnesses, *prima facie* disclose the involvement of the petitioner/accused No.4 in the offences for which he has been charge-sheeted. The said material requires to be tested in a full-fledged trial. Hence, without expressing any opinion on the merits of the case, I am of the considered view that the proceedings cannot be quashed

at this stage. Accordingly, the petition lacks merit and the same is ***dismissed.***

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

PKS