



CNR: KAHC010736722024

NC: 2026:KHC:54614
CRL.P No. 135 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 135 OF 2025

BETWEEN:

SRI BHARATH KUMAR,
S/O CHANDRA,
AGED ABOUT 38 YEARS,
R/AT BYARAVESWARANAGAR,
SUNKADAKATTE, SHANTIDHAMA
SCHOOL, BENGALORE NORTH-560091.

...PETITIONER

(BY SRI NARASIMHA MURTHY G V, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MADANAYAKANAHALLY POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE -560001.

2. SRI VINOD G.L,
S/O LAKSHMINARAYANAPPA,
AGED ABOUT 31 YEARS,
R/AT GOPALAPURA HOBLI,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU- 562 123.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;
SRI VINOD N, ADVOCATE FOR R-2)



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THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE FIR AGAINST THE PETITIONER FILED BY THE RESPONDENT POLICE P/U/S 406 AND 420 OF IPC, FILED BY THE MADANAYAKANAHALLY POLICE, SAME IS PENDING BEFORE ON THE COURT OF IST ADDL. CIVIL JUDGE AND JMFC AT NELAMANGALA, BANGALORE RURAL DISTRICT, IN CR.NO.702/2024 AT ANNEXURE A AND B.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this court seeking for the following reliefs:

a) To quash the FIR Against the petitioner filed by the respondent police punishable under section 406 and 420 of IPC filed by the Madanayakanahalli police same is pending before the court of I Addl. Civil Judge and JMFC at Nelamangala, Bangalore rural district, in Crime No.702/2024 at Annexure-A & B.

b) to pass such any other suitable order/orders by this Hon'ble Court deems fit under the circumstances of the case, in the interest of justice and equity.

2. Respondent No.2 initially lodged a complaint before Madanayakanahalli Police Station. The Police issued NCR



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No.1464/2024 on 28.05.2024. The matter was thereafter brought to the notice of the Superintendent of Police, Bengaluru District. As no action was taken, respondent No.2 filed PCR No.343/2024 under Section 223 read with Section 210(1)(a) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**' for short). Pursuant thereto, Crime No.702/2024 came to be registered by Madanayakanahalli Police Station. The petitioner is before this Court seeking quashing of the said proceedings.

3. The case of respondent No.2 is that the petitioner and respondent No.2 are known to each other through one Hanumantharayappa. According to the complainant, the petitioner borrowed her car bearing registration No.KA-05-MT-3435 stating that his mother was unwell and that he had to take her to the hospital.
4. It is alleged that, despite considerable lapse of time, the petitioner did not return the vehicle. When respondent No.2 demanded return of the vehicle, the petitioner refused to hand it over. It is on this basis that the complaint came to be lodged alleging offences punishable under Sections 406 and 420 of the IPC.
5. Learned counsel for the petitioner submits that the allegations do not disclose either theft or cheating. He submits that the petitioner had paid a sum of ₹2,00,000 on 03.03.2020 and another sum of ₹3,00,000 on



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04.03.2020 towards purchase of the vehicle. It is further submitted that the complainant had signed and handed over Forms 29 and 30 in connection with transfer of the vehicle.

6. Learned counsel therefore submits that the transaction between the parties was one of sale and purchase of the vehicle and that the subsequent dispute regarding the vehicle cannot be given a criminal colour. On this ground, he seeks quashing of the proceedings.
7. Learned counsel appearing for respondent No.2, on the other hand, submits that the payments of ₹2,00,000 and ₹3,00,000 relied upon by the petitioner were made in connection with a different transaction. He submits that the petitioner and respondent No.2 were known to each other and had several financial transactions.
8. It is further submitted that the alleged payments were made in March 2020, whereas Form No.29 is stated to have been executed only on 06.05.2024, nearly four years later. It is also contended that Forms 29 and 30 do not bear the genuine signature of respondent No.2 and that her signature has been forged.
9. According to learned counsel, when the petitioner applied to the Regional Transport Office for transfer of the vehicle on 04.06.2024, the application was rejected on 28.11.2024. It is therefore submitted that the allegations



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disclose the commission of an offence and require investigation.

10. Learned counsel further submits that the vehicle was seized during investigation and, on an application being filed before the jurisdictional Court, the vehicle has been released in favour of respondent No.2/complainant.
11. Heard Sri. G.V. Narasimha Murthy, learned counsel for the petitioner, Smt. Rashmi Patel, learned HCGP for respondent No.1 and Sri. Vinod N., learned counsel for respondent No.2. Perused the records.
12. The short point that arises for consideration is "Whether, on the basis of the allegations in the complaint and the material presently available on record, it can be said that no offence punishable under Section 420 of the IPC is made out against the petitioner, warranting quashing of the proceedings at the threshold?"
13. The allegations initially made by respondent No.2 are for offences punishable under Sections 406 and 420 of the IPC. Learned counsel for respondent No.2, however, submits that the prosecution would be confined to the allegation of cheating punishable under Section 420 of the IPC. The submission is placed on record.
14. The Court is therefore required to examine whether the material placed before it, at this stage, completely rules



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out the commission of an offence under Section 420 of the IPC.

15. Learned counsel for the petitioner places reliance on the payments of ₹2,00,000 made on 03.03.2020 and ₹3,00,000 made on 04.03.2020. It is the specific case of the petitioner that these payments were made towards purchase of the vehicle and that Forms 29 and 30 were also executed in his favour.
16. If this version is ultimately established, it may have a bearing on the nature of the transaction between the parties and on the question whether the petitioner had any dishonest intention from the inception. However, at the present stage, there are circumstances which require investigation.
17. The first circumstance is the considerable gap between the alleged payments and the alleged execution of Form No.29. The payments relied upon by the petitioner were made in March 2020, whereas Form No.29 is stated to be dated 06.05.2024. The reason for such a long gap is a matter which requires examination.
18. The second circumstance is the dispute regarding the signatures on Forms 29 and 30. The petitioner relies upon these documents to contend that the vehicle was agreed to be sold to him. Respondent No.2, however, disputes



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having signed the said forms and alleges that her signatures have been forged.

19. The material also indicates that when the petitioner subsequently approached the Regional Transport Office for transfer of the vehicle, his request was not accepted. The circumstances in which Forms 29 and 30 came into existence, who executed them, whether respondent No.2 had in fact signed them and whether they were handed over to the petitioner are matters which cannot appropriately be decided in a petition seeking quashing of the FIR.
20. The third circumstance is the competing version regarding the payments made by the petitioner. The petitioner asserts that the payments of ₹2,00,000 and ₹3,00,000 were made towards purchase of the vehicle. Respondent No.2 disputes this and contends that the payments related to a different transaction. Whether the amounts referred to by the petitioner were in fact paid towards purchase of the vehicle, or were connected with some other transaction between the parties, is essentially a matter of evidence.
21. The parties admittedly knew each other and, according to the material placed before the Court, had more than one transaction between them. In such circumstances, the purpose for which the amounts were paid, the



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circumstances in which the vehicle came into the possession of the petitioner, the execution and subsequent use of Forms 29 and 30, and the reason for the vehicle not being returned to respondent No.2 are all matters which require investigation.

22. At this stage, this Court cannot conduct an enquiry into the genuineness of the signatures appearing on Forms 29 and 30 or conclusively determine the purpose for which the amounts were transferred. Those are matters which have to be examined by the Investigating Officer on the basis of the material collected during investigation.
23. It is also relevant that the petitioner does not dispute that the vehicle came into his possession from respondent No.2. His case is that the vehicle was thereafter agreed to be sold to him and that the consideration was paid. Respondent No.2, on the other hand, disputes the alleged sale and states that the vehicle had only been given to the petitioner for a temporary purpose. Thus, there are two materially different versions regarding the very nature of the transaction between the parties.
24. At the stage of considering a petition for quashing, the Court is not required to decide which of these competing versions is correct. The Court is only required to examine whether the allegations, if taken at their face value, disclose the ingredients of an offence and whether the



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continuation of the investigation would amount to an abuse of the process of law.

25. In the present case, the allegations that the petitioner obtained possession of the vehicle, did not return it despite demand, subsequently relied upon Forms 29 and 30 as evidence of a sale, and that the signatures on those documents are disputed, cannot at this stage be said to be inherently impossible or so absurd that no investigation is warranted. The subsequent conduct relating to the alleged transfer of the vehicle and the rejection of the transfer application by the Regional Transport Office also requires examination.
26. The contention of the petitioner that the transaction is purely civil in nature cannot, therefore, be accepted at this stage. The existence of a civil or contractual dispute does not by itself rule out the possibility of a criminal offence if the ingredients of such offence are otherwise disclosed.
27. At the same time, whether the petitioner had the dishonest intention necessary to constitute an offence under Section 420 of the IPC is a matter which will have to be determined on the basis of the material collected during investigation.
28. As regards the allegation under Section 406 of the IPC, learned counsel for respondent No.2 has fairly submitted



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that the prosecution would be confined to Section 420 of the IPC. The said submission is taken on record. The present order, therefore, examines the allegations only from the perspective of Section 420 of the IPC.

29. In the facts of the present case, there are disputed questions regarding the nature of the transaction, the purpose of the payments, the execution and genuineness of Forms 29 and 30, and the circumstances in which the vehicle was retained by the petitioner.
30. These questions cannot be conclusively decided on the basis of the limited material available before this Court. They require investigation.
31. Therefore, this is not a case where the allegations, even if accepted in their entirety, would not constitute an offence. Nor is this a case where the allegations are so inherently improbable that continuation of the investigation would amount to an abuse of the process of law.
32. Consequently, this Court is of the considered opinion that the petitioner has not made out a ground for quashing the proceedings at this stage. The Investigating Officer shall conduct the investigation in accordance with law and arrive at an appropriate conclusion on the basis of the material collected.



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33. In that view of the matter, this court passes the following:

ORDER

- i. Criminal petition is ***dismissed***.
- ii. In the event of a charge sheet being filed, liberty is reserved to the petitioner to challenge the same or file a discharge application.



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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 6