



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO.16922 OF 2025 (482(Cr.PC) / 528(BNSS)

BETWEEN:

FARAZ SAHEB
S/O HAJIRABI,
AGED ABOUT 41 YEARS,
R/AT NO.1-210, BEHIND AL-SABR MASJID,
MAVINAKATTE, KARKUNJE, KUNDAPURA,
UDUPI DISTRICT-576 283.

...PETITIONER

(BY SRI. LETHIF B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KUNDAPURA POLICE STATION,
UDUPI DISTRICT, REP. BY THE S.P.P.
HIGH COURT BUILDING, BANGALORE- 560 001.
2. IRSHAD GULZAR
S/O LATE ABDUL HAMEED,
AGED ABOUT 54 YEARS,
R/AT DATHATHREYA,
FLAT NO.401 A, KASBA VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT- 576 201.

...RESPONDENTS

(BY SRI. DIWAKAR MADDUR, HCGP FOR R-1;
R-2 SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS IN SPL.C.NO.42/2022 PENDING ON THE FILE OF THE PRL. DISTRICT AND SESSIONS JUDGE, UDUPI, FOR THE O/P/U/S 120b, 406, 420, R/W 149 OF IPC AND SEC.9 OF THE KARNATAKA PROTECTION OF INTEREST OF DEPOSITORS IN FINANCIAL ESTABLISHMENT ACT, 2004 OF KUNDAPURA POLICE STATION, UDUPI DISTRICT, WHICH IS PRODUCED AT ANNEXURE-A.



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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following relief:

To quash the entire proceedings in Spl.C.No.42/2022 pending on the file of the Principal District and Sessions Judge, Uudpi, for the offences punishable under Section 120(b), 406, 420, R/W 149 of the Indian Penal Code and Section 9 of Karnataka Protection of Interest of Depositors in Financial Establishment Act, 2004 of Kundapura Police Station, Udupi District, which is produced at Annexure-A, in the interest of justice.

2. Heard learned counsel for the petitioner and learned HCGP for the respondent No.1 – State and perused the material on record.

3. A perusal of the material on record will indicate that one Irshad Gulzar – complainant filed the complaint dated 15.03.2021 against the petitioner – accused No.6 and other accused persons for alleged offences punishable under Sections 120(b), 406, 420 r/w 149 of IPC, Sessions 21 and 22 of the Banning of Unregulated Scheme Act, 2019 and Section 9 of the



Karnataka Protection of Interest Depositors in Financial Establishment Act, 2004. In this context, it is relevant to state that the petitioner is an employee of the Jewellery shop by name M/s.Gold Jewellers, situated at Nandikeshwara complex, Kundapura. Under identical circumstances, other employees Mr.K.Asif and others, who were arrayed as accused Nos.7, 8, 10, 11, 14 and 15 approached this Court in Crl.P.No.6480/2025, which was allowed and disposed of by this Court vide order dated 17.07.2025 quashing the impugned proceedings as hereunder:

In this petition, petitioners have sought for the following relief:

“WHEREFORE, the petitioners respectfully prays that this Hon’ble Court may be pleased to allow the Criminal Petitioner by quashing the entire process and all further proceedings in Special Case No.42/2022 on the file of the Court of the Principal District and Session Judge Udupi which is registered under Crime No.31/2021 of Kundapura Police Station for the alleged punishable U/sec. 120(b), 406, 420 R/w 149 of IPC and Section 21 and 22 of the Banning of Unregulated Scheme Act 2019 and Sec.9 of the Karnataka Protection of Interest of Depositors in Financial Establishment Act 2004, in the interest of justice.”

2. Heard learned counsel for the petitioners and learned HCGP for the respondent - State and perused the material on record.

3. A perusal of the material on record will indicate that one Irshad Gulzar - complainant filed the complaint dated 15.03.2021 against the petitioners – accused Nos.7, 8, 10,



11, 14 and 15 and other accused persons for alleged offences punishable under Sections 120(b), 406, 420 r/w 149 of IPC, Sessions 21 and 22 of the Banning of Unregulated Scheme Act, 2019 and Section 9 of the Karnataka Protection of Interest Depositors in Financial Establishment Act, 2004. In this context, it is relevant to state that the petitioners are employees of the Jewellery shop by name M/s.Gold Jewellers, situated at Nandikeshwara complex, Kundapura. Under identical circumstances, one more employee Mr.Sardar Naveed Akthar, who was arrayed as accused No.19 approached this Court in Crl.P.No.2708/2025, which was allowed and disposed of by this Court vide order dated 17.06.2025 quashing the impugned proceedings as hereunder:-

“ In this petition, the petitioner seeks the following reliefs:

“a. Quash the charge sheet in Crime No.31/2021 registered by Kundapura PS by the 1st Respondent Police as per the Annexure-No-C, & entire proceedings in Spl.C.No.42/2022, as per the Annexure No-D, registered for the offences under Section 149, 406, 420, 120B of the Indian Penal Code, 1860 and also Section 9 of the Karnataka Protection of interest of depositors in Financial Establishment Act 2004, Section 21 and 22, of Banning of Unregulated Deposit Scheme Act 2019 on pending file of the Court of the Prl. District & Sessions Judge, Udupi.

b. Pass such other writ or directions or orders, as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, in the interest of justice and equity.”



2. *Heard learned counsel for the petitioner and learned HCGP for respondent No.1 and perused the material on record.*

3. *Though respondent No.2 was served with notice, he has remained unrepresented and has not chosen to contest the petition.*

4. *A perusal of the material on record will indicate that respondent No.2 filed the instant complaint against the petitioner, accused No.19 and 23 other accused persons i.e., accused Nos.1 to 18 and 20 to 24 for the alleged offences punishable under Sections 120B, 406, 420 r/w. 149 of IPC, Section 9 of the Karnataka Protection of Interest of Depositors in Financial Establishment Act, 2004 and Sections 21 and 22 of Banning of Unregulated Deposit Scheme Act, 2019, which culminated in a charge sheet, which is currently pending in Spl.C.No.42/2022 before the Sessions Court. In this context, it is relevant to state that it is a specific contention of respondent No.2-complainant invested in a jewelry shop by name "Gold Jewellery" located in Nandikeshwara Complex, Kundapura, in as much as, he has invested 31 grams of gold and cash in a sum of Rs.6 Lakhs on 01.10.2018, which was owned by accused Nos.1 to 6, who promised monthly returns made in gold or cash. It is alleged that based on the assurance made by accused Nos.1 to 6, the complainant invested cash and gold and since the said shop was closed in January,2021, the complainant arraigned the petitioner along with owners of the shop as accused.*

5. *In this context, it is relevant to note that the petitioner is only an employee of the said shop and he could not have been incriminated as the petitioner as alleged by respondent No.2-complainant, as can be seen from the complaint, FIR, charge sheet and statement of witnesses. Under these circumstances, since the petitioner is only an employee of the shop and not the owner, continuation of proceedings against him would amount to abuse of process of law and the same deserves to be quashed.*

6. *In the result, I pass the following:*



ORDER

(i) *The petition is allowed.*

(ii) *The impugned proceedings in Spl.C.No.42/2022, arising out of Crime No.31/2021 registered by respondent No.1-Police, pending on the file of the Principal District and Sessions Judge, Udupi, in so far as the petitioner is concerned, are hereby quashed."*

4. *The aforesaid facts and circumstances would clearly indicate that while the petitioner in Crl.P.No.2708/2025 arrayed as accused No.19 was one of the employee of the aforesaid Jewellery shop, the petitioners herein are also the employees of the very same Jewellery shop, which is the subject matter of the impugned proceedings as could be seen from the complaint and FIR, charge sheet material etc., and consequently, by applying / invoking the doctrine of parity, the impugned proceedings against the petitioners also deserve to be quashed.*

5. *In the result, I pass the following:-*

ORDER

(i) *Petition is hereby allowed.*

(ii) *The impugned proceedings in Spl.C.No.42/2022 arising out of FIR in Crime No.31/2021 registered by the 1st respondent – Police, pending on the file of Prl.District and Sessions Judge, Udupi, insofar as the petitioners are concerned are hereby quashed."*

4. The aforesaid facts and circumstances would clearly indicate that while the petitioners in Crl.P.No.6480/2025 arrayed as accused Nos.7, 8, 10, 11, 14 and 15 were employees of the



aforesaid Jewellery shop, the petitioner herein is also an employee of the very same Jewellery shop, which is the subject matter of the impugned proceedings as could be seen from the complaint and FIR, charge sheet material etc., and consequently, by applying / invoking the doctrine of parity, the impugned proceedings against the petitioner also deserve to be quashed.

5. In the result, I pass the following:-

ORDER

(i) The petition is hereby ***allowed***.

(ii) The impugned proceedings in Spl.C.No.42/2022 arising out of FIR in Crime No.31/2021 registered by the 1st respondent – Police, pending on the file of Prl. District and Sessions Judge, Udupi, insofar as the petitioner is concerned are hereby quashed.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE