HC-KAR

NC: 2026:KHC:60189
CRL.P No. 262 of 2021

CNR: KAHC010008952021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.262 OF 2021

BETWEEN:

1. H.NARAYANASWAMY
   AGED ABOUT 72 YEARS
   S/O LATE HONNAPPA,
   R/AT B.K.PLAYA, JALA HOBLI,
   BANGALORE NORTH TALUK,
   BANGALORE-562149.

…PETITIONER

(BY SRI. PRINCE ISAC, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. KRISHNAPPA
   AGED ABOUT 62 YEARS,
   S/O LATE MUNIYAPPA,
   R/AT B.K.PALYA, JALA HOBLI,
   BANGALORE NORTH TALUK,
   BANGALORE-562149.

…RESPONDENT

(BY SRI. AJAY N., & SRI. AMAR, ADVOCATES FOR
SRI. MITHUN GERAHALLI A., ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ORDER DATED 11.03.2020 IN CRL.RP.NO.15015/2019 ON THE FILE OF V ADDITIONAL

DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL DISTRICT AT DEVANAHALLI AND RESTORE THE CRIMINAL PROCEEDINGS IN PCR.NO.157/2019 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, DEVANAHALLI, WITH A DIRECTION TO CONTINUE THE PROSECUTION OF THE RESPONDENT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioner and learned counsel appearing for the respondent-complainant.

2. The prayer is sought for quashing the order passed by the 5th Additional District and Sessions Judge, Bangalore Rural District at Devanahalli in Crl.R.P.No.15015/2019, wherein the Revisional Court set aside the order taking cognizance and issuing summons against the respondent. Being aggrieved by the same, the complainant has approached this Court.

3. Learned counsel appearing for the petitioner would contend that the Revisional Court has committed an error in reversing the order of Trial Court only on the ground that there is a civil dispute between the parties and the very approach is not correct. However, it is noticed by this Court that when the private complaint is filed, the same is not supported by an affidavit as held in the judgment of the Apex Court in ***Priyanka Srivastavas's*** case. Even on perusal of averments of the complaint also, there is no compliance under Sections 154(1) and 154(3). Even though, case of the petitioner is that twice he had approached the police and police did not register the case, but the petitioner did not approach the superiors. When such being the case, there is no compliance under Sections 154(1) and 154(3). When there is a foundational defect in filing the private complaint and the same is not supported by an affidavit and no compliance under Sections 154(1) and 154(3), there cannot be any criminal prosecution against the petitioner.

4. The counsel appearing for the petitioner would submit that the said defect can be cured. But the same can be cured only before passing any substantive order by the learned

Magistrate and here in the case on hand, already substantive order has been passed and cognizance has been taken and proceeded to consider the matter against the respondent-accused. Hence, the said submission also cannot be accepted.

Accordingly, the criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 22