HC-KAR

NC: 2026:KHC:61987
WP No. 966 of 2022

CNR: KAHC010023802022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 966 OF 2022 (GM-RES)

BETWEEN:

1. MR GOVIND MAHESHWARI
   S/O LATE SRILAXMI NARAYAN
   MAHESHWARI
   AGED ABOUT 59 YEARS

2. MR RAJESH MAHESHWARI
   S/O LATE SRILAXMI NARAYAN
   MAHESHWARI
   AGED ABOUT 56 YEARS

3. MR NAVEEN MAHESHWARI
   S/O LATE SRILAXMI NARAYAN
   MAHESHWARI
   AGED ABOUT 54 YEARS

4. MR BRIJESH MAHSHWARI
   S/O LATE SRILAXMI NARAYAN MAHESHWARI
   AGED ABOUT 53 YEARS

   PETITIONER NO.1 TO 4 ARE ALL
   WORKING AT NO C P -6 INDIRA VIHAR
   INSTRUMENTATION LIMITED COLONY, KOTA
   RAJASTHAN - 324 005.

5. MR C R CHAUDHARY
   S/O SRI PREMA RAM CHAUDHARY
   AGED ABOUT 47 YEARS
   R/A NO. F-379,
   INDIRA VIHAR, KOTA
   RAJASTHAN 324 005.

...PETITIONERS

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

(BY SRI. V. SRINIVASAN RAGHAVAN.,ADVOCATE FOR
SMT. CHAMPOOKAVYA S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
SESHADRIPURAM POLICE STATION
BANGALORE- 560 020
REP BY POLICE INSPECTOR.

2. M/S FITJEE LTD.,
NO 113/114, HTR CHAMBERS
S C ROAD, SHESHADRIPURAM
BENGALURU - 560 020
REP BY ITS DEPUTY MANAGER
MR RAJASHEKAR.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1;
R-2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SEC.482 OF CR.PC PRAYING TO ALLOW THE PETITION AND QUASH THE FIR BEARING NO.8/2015 DATED 13.01.2015 AT ANNEXURE-A AND COMPLAINT DATED 12.01.2015 AT ANNEXURE-B AND (PROTEST MEMO) OBJECTIONS TO BE REPAST DATED 06.08.2015 AT ANNEXURE-D AND ALL FURTHER PROCEEDINGS IN C.C.NO.27843/2019 PENDING ON THE FILES OF THE HONBLE IST ADDDITIONAL CHIEF METROPOLITAN MAGISTRATE, AT BENGALURU IN SO FAR AS THE PETITIONERS ARE CONCERNED VIDE ANNEXURE-F.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri. Srinivasan Raghavan, learned Senior counsel appearing for Smt. Champoo Kavya. S, learned counsel for the petitioners and Smt. K.P Yashodha, learned AGA for the respondent No.1-State.

2. Smt. K.P Yashodha, learned AGA for the respondent No.1-State at the outset would submit that the role of the State has ended by filing the 'B' final report and therefore suitable orders be passed.

3. Respondent No.2-defacto complainant is served with the notice of the petition and remained unrepresented.

4. Petitioner herein is the accused challenging the order dated 28.10.2019, whereby the learned Trial Magistrate has rejected the 'B' report filed by the Investigation Agency and based on the sworn statement of the complainant, who is examined as PW1 by name Sri. Rajashekar in Crime No.8/2015 and took cognizance for the offences punishable under Sections 403, 406, 408, 416, 418, 420, 500, 506, 511 and 120(B) r/w Section 34 of I.P.C and registered the criminal case and issued process.

5. At the outset, Sri. Srinivasan Raghavan, learned Senior counsel appearing for the petitioners would submit that the learned Trial Magistrate, while rejecting the B final report and registering the case has not taken note of the fact that the contents of the sworn statement coupled with the documentary evidence which were marked as Ex.P1 to Ex.P18 did not make out any ingredient whatsoever much less all ingredient to attract the aforesaid offences and therefore sought for allowing the petition.

6. He would further contend that a civil suit in this regard was filed for the alleged monetary loss by the complainant, which came to be dismissed for non-prosecution.

7. He would also contend that few of the employees have left the organization of the complainant and the business of the complainant, which is a coaching class for the higher education and professional education suffered and at the heat of the moment, criminal cases came to be filed apart from civil litigation and issue involved in both the civil litigation and the criminal case are one and the same and the pure civil Dispute

has been given the colour of criminality and a false complaint came to be filed by the respondent No.2.

8. He would further contend that police after thorough investigation noted that the contents of the complaint are far from true and did not get any positive material so as to proceed with the alleged criminal complaint and thus rightly filed the 'B' final report.

9. He would also contend that contents of protest petition and the contents of sworn statement did not make out any ingredient whatsoever to attract the aforesaid offences, which has been ignored by the learned Trial Judge and the learned trial Judge's reasoning at paragraph No.9 of the impugned order is nothing but reiteration of the contents of sworn statement without there being any logical or legal reasons assigned for rejecting the 'B' final report and thus sought for allowing the petition.

10. Having heard the arguments of learned counsel appearing for the petitioner and learned AGA, this Court noted the relevant aspects of matter.

11. It is just and necessary to call out paragraph No.9 of the impugned order, which reads as under:

> *"9. In support of its case, the complainant company has produced 18 documents before the court. Those documents are all copy of offer letters, salary appraisal letters and request transfer letters of accused Nos.1 to 3. The complainant company has also produced service rules of the employees of the complainant company. The code of conduct of the employees and absentism from duties, letters sent by the complainant company to accused Nos.1 to 3. Very important and relevant documents to prove the alleged offences made against the accused Nos.1 to 3 are e-mail extracts. The copy of the data extracts of the e-mail sent by the accused Nos.1 to 3 to the parents and students are produced before the court, which have been marked as Exs.P18 to P25. Therefore, the perusal of documentary evidence prima facie shows that there is some material for commission of the alleged offences by the accused persons. But in order to establish and prove that those alleged offences are committed by the accused Nos.1 to 3 by colluding with accused Nos.4 to 9, a full fledged trial is necessary. Therefore, in order to decide whether there is a prima facie material to proceed against the accused Nos.1 to 9 for the alleged offences, the materials placed before this court is sufficient. The evidential value of the materials placed before the court, can be considered only after trial. Therefore, in view of the above I am of the opinion that the 'B' report submitted by the Investigating officer is not in accordance with law. If at all there is a civil dispute between the complainant company and accused Nos.1 to 3, the same will be decided by the civil court in 0.5.703/2015. So far as commission of criminal offences by the accused persons is considered, I am of the opinion there is sufficient material on record to proceed against them. Therefore, in view of the above, I am of the opinion that the 'B' report submitted by the investigating Officer is not in accordance with law and is liable to be rejected. Accordingly, I answer point No.1 in the affirmative."*

12. As could be seen from the above paragraph, all that the learned trial Magistrate has done is to reiterate the contents of sworn statement and did not independently apply

judicious mind while passing the impugned order rejecting the 'B' final report and ordering for registration of the criminal case.

13. It is the bound and duty of the learned trial Magistrate to discuss that the contents of the sworn statement would attract the ingredients for the aforesaid offences, if not in detail, at least the prima-facie materials.

14. Mere reiterating the contents of sworn statement and number of Exhibits marked on behalf of the complainant would not absolve the responsibility of the learned trial Magistrate in passing a judicious order so as to direct the petitioners herein to stand for the criminal trial.

15. No reason whatsoever is forthcoming except cursorily mentioning that insofar as the commission of the criminal offences by the accused person is concerned, "*I am of the opinion there is sufficient material on record to proceed against them*".

16. Further, learned trial Magistrate has also mentioned about the pendency of the civil suit in O.S.No.703/2015.

17. Sri. Srinivasan Raghavan, learned Senior counsel has invited the attention of this Court that the said suit is dismissed for non-prosecution, which would show that somehow the respondent No.2 was interested in harassing the petitioners herein, which would result in abuse of process of law.

18. Accordingly, a case is made out to quash the pending proceedings. Hence, following:

ORDER

(i) Petition is ***allowed***.

(ii) Consequently, FIR in Crime No.8/2015 registered by the Seshadripuram Police Station is hereby quashed.

SD/-
(V SRISHANANDA)
JUDGE

RL
List No.: 1 Sl No.: 59