HC-KAR

NC: 2026:KHC:61143
CRL.P No. 639 of 2021

CNR: KAHC010027102021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 4TH DAY OF NOVEMBER, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO.639 OF 2021**

**BETWEEN:**

1. T. SRINIVASA
   S/O LATE R. THIPPANNA
   AGED ABOUT 37 YEARS
   DASAYANAHATTI
   HOLALKERE TALUK
   CHITRADURGA DISTRICT-577 526.

2. T. GOVINDARAJ
   S/O LATE R. THIPPANNA
   AGED ABOUT 43 YEARS
   FORESTER, KALLUHALLA VILALGE
   GANGANAKOPPA VILLAGE
   HOSANAGAR TALUK
   SHIVAMOGGA DISTRICT-577 418.

...PETITIONERS

(BY SRI. VEERENDRA R. PATIL, ADVOCATE
PETITION IN RESPECT OF PETITIONER NO.1 IS ABATED,
VIDE ORDER DATED 13.10.2026)

**AND:**

1. THE STATE OF KARNATAKA
   BY HOSANAGAR POLICE STATION
   SHIVAMOGGA DISTRICT-577 418
   REPRESENTED BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BENGALURU-560 001.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

2. SMT. SHOBHA H.S.
W/O KRISHNA M
AGED ABOUT 40 YEARS
RAMACHANDRAPURA
KALLUGUDDE VILLAGE
HUNCHA HOBLI
HOSANAGAR TALUK
SHIVAMOGGA DISTRICT-577 418.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
MS. POOJA KATTIMANI, ADVOCATE FOR
SRI. DINESH KUMAR K. RAO, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS PENDING IN P.C.R.NO.72/2020 ANNEXURE-N, ON THE FILE OF PRINCIPAL CIVIL JUDGE AND JMFC, HOSANAGAR.

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

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

**ORAL ORDER**

Heard learned counsel for petitioners, the learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed to quash the proceedings in PCR No.72/2020 wherein allegations are made against the petitioners invoking the offence under Sections 406, 507, 417,

420, 465, 467 and 468 of IPC. When this Court heard the matter in length, noticed that when the private complaint was filed, no affidavit was filed and there is no compliance of Sections 154(1) and 154(3) while filing PCR No.72/2020 and the same is also not pleaded and matter was referred under Section 156(3).

3. The prayer is sought for quashing the FIR and the complaint in PCR No.72/2019. When there is a fundamental defect in filing the complaint, in view of judgment of the Apex Court in **PRIYANKA SRIVASTAVA AND ANOTHER vs. STATE OF UTTAR PRADESH AND OTHERS** reported in **(2015) 6 SCC 287,** there cannot be any proceedings against the petitioners herein.

4. Learned counsel for the petitioners also brought to notice of this Court that petitioner No.1 is no more and petition is abated and in respect of petitioner No.2/accused No.2 is concerned, it requires interference of this Court exercising the power under Section 482 of Cr.P.C. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

5. In view of the discussion made above, I pass the following:

ORDER

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

(ii) The proceedings in PCR No.72/2020 filed invoking the offence under Sections 406, 507, 417, 420, 465, 467 and 468 of IPC is quashed in respect of petitioner No.2/accused No.2 is concerned.

**Sd/-**
**(H.P.SANDESH)**
**JUDGE**

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List No.: 1 Sl No.: 16