HC-KAR

NC: 2026:KHC:60530
CRL.P No. 2006 of 2019

CNR: KAHC010080322019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2006 OF 2019

BETWEEN:

1. SRI. K. NAGABHUSHAN,
S/O. KALAIAH J,
AGED ABOUT 39 YEARS,
RESIDING OF 2ND CROSS,
SIDDARATHA NAGAR,
MADDUR TOWN,
MANDYA DISTRICT– 571428.

2. SRI. H.S. UMESH,
S/O. SHIVALINGAIAH,
AGED ABOUT 35 YEARS,
RESUDEBT OF 3RD MAIN,
2ND MAIN ROAD,
OPPOSITE TO ARUN STUDIO,
CHAMARAJAPETE,
BENGALURU-560018.

…PETITIONERS

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

(BY SRI. BASAVARAJU P., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY STATION HOUSE OFFICER OF
MANDYA EAST POLICE STTION,
MANDYA CITY-571401,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.

2. M/S. WELFARE BUILDING AND ESTATES PVT. LTD.,
A PRIVATE LIMITED COMPANY DULY REGISTERED
UNDER THE PROVISIONS OF INDIAN
COMPANIES ACT 1956,
HAVING ITS HEAD OFFICE,
AT NO.10-01-13/1, 2, 3,
WELFARE COMPLEX,
NEAR RTC COMPLEX, ASILMETTA,
VISAKAPATNAM-530003.
AND ITS BRANCH OFFICE
AT 1ST FLOOR, MANASA HOTEL,
OPP. SILVER JUBLIEE PARK,
M.C. ROAD, MANDYA,
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. NAGANNA M.,
AGED ABOUT 37 YEARS.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. K. GOVINDARAJ, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.171/2017, DATED 15.09.2017 REGISTERED BY THE FIRST RESPONDENT POLICE ARISING OUT OF PCR.NO.554/2017 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 415, 417, 405, 406, 420, 421, 424, 465, 408, 467, 468, 469, 471 AND 474 OF IPC AND PRIVATE COMPLAINT FILED BY THE RESPONDENT NO.2 IN PCR NO.554/2017 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 415, 417, 405, 406, 420, 421, 424, 465, 408, 467, 468, 469, 471 AND 474 OF IPC AND ENTIRE PROCEEDINGS PENDING ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC AT MANDYA, VIDE ANNEXURE-A, B AND C AND ALLOW THE PETITION.

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

CNR: KAHC010080322019

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

ORAL ORDER

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

2. The learned counsel for the petitioners brought to the notice of this Court the private complaint filed as per Annexure-B and contend that while filing the private complaint, no affidavit is filed and prayer is sought for referring the matter under Section 156(3) of Cr.P.C.

3. The Apex Court in its judgment in the case of **PRIYANKA SRIVASTAVA AND ANOTHER v. STATE OF UTTAR PRADESH AND OTHERS** reported in **(2015) 6 SCC 287** discussed in detail that filing of affidavit is necessary in support of the complaint and there must be compliance of Sections 154(1) and 154(3) of Cr.P.C. The very purpose of filing the affidavit is to prevent the frivolous litigation. In the case on hand, the matter is also referred under Section 156(3)

of Cr.P.C. and the same is a pre-cognizance order. When such being the case, there cannot be any criminal prosecution against the petitioners without the affidavit as well as non-compliance of Section 154(1) and 154(3) of Cr.P.C. Hence, it is a fit case to quash the proceedings initiated against the petitioners and hence, it requires interference of this Court to exercise the power under Section 482 of Cr.P.C.

4. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed and the proceedings initiated against the petitioners in Crime No.171/2017 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 5