HC-KAR
NC: 2026:KHC:62400
CRL.P No. 1866 of 2021
CNR: KAHC010092282021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1866 OF 2021

BETWEEN:

1. MR. ANURAG BOTEK
   AGED 33 YEARS
   S/O SHRIRAM GANPATRAO BOTKE
   PLOT No.A-16/11
   SRI. MANUS AROHA CHAMBER
   RUKMINIPURI COLONY
   SECUNDERABAD
   HYDERABAD, TELANGANA-500062.

   DIRECTOR OF
   REALCOM INFOCOM PVT LTD
   HYDERABAD CITY
   ANDHRA PRADESH.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. SHIVAKUMAR S.B. ADV.)

AND:

1. STATE OF KARNATAKA
   REP. BY VARTHUR POLICE STATION
   BENGALURU.

2. MR. R. RANJITH
   S/O SRI. RADHA KRISHNA
   AGED 29 YEARS
   R/AT NO.11, KRISHNA NILAYA
   GOPAL REDDY LAYOUT

THUBARAHALLI
BENGALURU-560 066.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
R2 SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE PETITION IN CR.NO.168/2018 ON THE FILE OF THE II ACJM BENGALURU RURAL DISTRICT, BENGALURU VIDE ANNEXURE-A FILED BY THE RESPONDENT No.1 AGAINST THE PETITIONER UNDER SECTION.420, 506, 34 OF IPC & ETC.

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 the learned Additional SPP for respondent No.1-State.

2. The prayer is sought for quashing the charge sheet filed against the petitioner, who is working as Director of Realcom Infocom Private Limited, Hyderabad City, Hyderabad, Andhra Pradesh in C.C.No.5248/2020 which is arising out of Crime No.168/2018. The accusation made in the charge sheet against the petitioner is that C.Ws.1 and 2 are doing partnership business in the 5th floor, No.72/1 in Sponge

Entertainment Animation Office. Both C.Ws.1 and 2 came in contact with the company of the accused in connection with animation work and he had promised that he would get the work done from Netherland Blunder Company and in the said project work, they may get Rs.2 Crores and accordingly, C.Ws.1 and 2 believed the version of accused and entered into an agreement on 30.08.2017 and collected an amount of Rs.7,20,000/- and even though the project work was done to the extent of Rs.13,00,000/-, the petitioner cheated the complainant to the tune of Rs.6,00,000/-. Hence, complaint is filed and crime is registered and police have investigated the matter and filed the charge sheet. While filing the charge sheet, cited C.Ws.1 to 10. C.Ws.2 to 5 reiterates the contents of complaint as well as causing threat when the demand was made. C.Ws.6 and 7 are the panch witnesses, C.W.8 received the complaint and registered the case, C.W.9 conducted the investigation and C.W.10 filed the charge sheet after completion of investigation.

3. Now, learned appearing for the petitioner would submit that it is purely a civil dispute between the parties and

in the complaint itself, agreement dated 30.08.2017 is stated and specific averment is also made for having made the payment to get the project work done. The counsel also would contend that registration of FIR is opposed to mandate under Section 154 of the Code of Criminal Procedure, since the alleged complaint by the respondent No.2 did not fall under the jurisdiction of respondent No.1-police and the very registration of complaint is void-ab-initio and it will not attract criminal offence. The petitioner is a very respectable and reputed businessman coming from a established business family, who has been in business more than 5 years and there is no such material to connect the petitioner with the alleged offence and absolutely, there is no material to believe the case of the complainant and there is no prima facie material. Hence, there cannot be any criminal prosecution against the petitioner.

4. Per contra, the learned Additional SPP for respondent No.1- State would submit that specific accusation is made in the complaint for having received the money of Rs.7,20,000/- and the same is not disputed by the petitioner and also specific accusation is made that work was done

through the project and it was also fully completed and in all, the petitioner is liable to pay an amount of Rs.13,00,000/- and contents of the complaint at Annexure-B is very specific regarding the allegation that only with an intention to cheat the complainant has made payment of amount of Rs.7,20,000/- and 10% of the work was done and payment to the tune of Rs.6,00,000/- is also not made and whether there is an intention to cheat is a matter of investigation. Hence, it requires investigation.

5. Having heard learned counsel appearing for the petitioner and the learned Additional SPP for respondent No.1-State, though respondent No.2-complainant is served through notice by the Court, he did not choose to appear before the Court. The main accusation is that the complainant came in contact with this petitioner and no doubt, there is an agreement dated 30.08.2017, the petitioner also deposited the amount of Rs.7,20,000/- and the same is not disputed by learned Additional SPP appearing for respondent No.1-State that the complainant has received the said money. Apart from payment of Rs.7,20,000/-, specific accusation is made that

though the project work was done, the payment was not made to the tune of Rs.6,00,000/- and during the course of investigation, the police recorded the statement of witnesses. C.Ws.2 to 5 reiterates the contents of complaint and specific accusation is made that when the demand was made to pay the amount, life threat was caused to C.W.1 and when such specific accusation is made and ingredients of offence under Sections 506 and 420 of IPC are invoked, the same is a matter of trial and this Court cannot consider the contention of the petitioner that it is a civil dispute and having made the amount of Rs.7,20,000/- is not disputed.

6. Apart from that there is a specific accusation against the petitioner that if complainant demands the money, he is going to take away his life and when the same is spoken to by C.Ws.2 to 5, the other witnesses C.Ws.6 and 7 are only mahazar witnesses and their statement is not relevant. But, the statement of C.Ws.2 to 5 requires to be tested in trial. Hence, I do not find any grounds to quash the proceedings invoking Section 482 of Cr.P.C. when the statement of witnesses is also recorded regarding causing threat as well as transaction is

concerned and whether it was at inception of transaction or not is a matter of trial. Hence, no ground is made to quash the proceedings.

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

ORDER

The criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 13