HC-KAR

NC: 2026:KHC:61827
CRL.P No. 2099 of 2021

CNR: KAHC010104082021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 2099 OF 2021 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. PAPANNA
   S/O LATE MUDDAIAH
   AGED ABOUT 70 YEARS

2. SMT. SHIVALINGAMMA
   W/O PAPANNA
   AGED ABOUT 65 YEARS

3. SMT. PADMAVATHI @ PRABHA
   D/O PAPANNA
   AGED ABOUT 45 YEARS

4. P PRAKASH S/O PAPANNA
   AGED ABOUT 40 YEARS

5. SMT. SAVITHA W/O P. PRAKASH
   AGED ABOUT 34 YEARS

6. P SATHEESH S/O PAPANNA
   AGED ABOUT 36 YEARS

7. SMT. HEMALATHA M C @ HEMA
   W/O P SATHEESH
   AGED ABOUT 32 YEARS

8. RAJESH S/O PAPANNA
   AGED ABOUT 33 YEARS

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Location: HIGH COURT OF KARNATAKA

9. SMT. PALLAVI W/O RAJESH
AGED ABOUT 32 YEARS

10. VIJAYAKUMARASWAMY
S/O PUTTASWAMAIAH
AGED ABOUT 38 YEARS

11. SMT. MANJULA
W/O VIJAYAKUMARASWAMY
AGED ABOUT 28 YEARS
ALL ARE R/AT TUMBENAHALLI VILALGE
KAILANCHA HOBLI, RAMANAGARA
TALUK AND DISTRICT
PIN CODE:244 715.

…PETITIONERS

(BY SRI. N NANDAN., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY RAMANAGARA RURAL POLICE
(REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001.

2. PRADEEPA REDDY
S/O VENKATASWAMY REDDY
AGED ABOUT 33 YEARS
RA/T KOMAGHATTA VILALGE
SOOLIKERE POST KENGERI HOBLI,
BENGLAURU SOUTH TALUK
BENGALURU

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1, R2-SD)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE COMPLAINT, FIR, CHARGE SHEET IN C.C.NO.1505/2020 (PCR NO.134/2018) (CR.NO.141/2018) INITIATED BY THE 1ST RESPONDENT POLICE AGAINST THE PETITIONER FOR THE ALLEGED OFFENCES P/U/S 420 OF IPC,

WHICH IS PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE AND J.M.F.C., RAMANAGARA.

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 petitioners and also learned counsel appearing for the respondent/State and the respondent No.2/complainant is served and unrepresented.

2. The case is registered based on the PCR No.134/2018 (Crime No.141/2018) and when the matter was referred under Section 156(3) of Cr.P.C., the police investigated the matter and filed the charge sheet. The trial court failed to consider the material on record, while referring the matter under section 156(3) of Cr.P.C.

3. Learned counsel submits that the Apex Court made it clear in ***Priyanka Srivastava And Another vs. State Of Uttar Pradesh and Others*** reported in ***(2015) 6 SCC 287*** case while invoking Section 156(3) of Cr.P.C.,

that there must be an affidavit and not verifying the detailed affidavit which requires to be filed, in order to prevent the frivolous litigation and frivolous criminal prosecution and counsel also brought to notice of this Court that there is no any compliance under Section 154(1) and (3) and nothing is stated in the private complaint, except referring the complaint given at Ramanagara Gramantana Police through Bengaluru Gramanagara Rural Police and they have not received the complaint and even not produced any document to show that they have approached the superiors of the police. Such being the case, the judgment of the Apex Court in ***Priyanka Srivastava's*** case is very clear that there cannot be any criminal prosecution unless an affidavit is filed in support of complaint and also there must be a compliance under Sections 154(1) and 154(3) and even if any matter is referred under Section 156(3) of Cr.P.C., which is a fundamental defect in the complaint, the learned Magistrate ought not have invoked Section 156(3) of

Cr.P.C., and the same is a pre-cognizance order and even while passing the **pre-cognizance** order also, ought to have looked into the contents of the complaint and also the affidavit. In the absence of such order, if any investigation is conducted and filed the charge sheet and in view of fundamental defect in the complaint, there cannot be any criminal prosecution and hence petitioner has made out the ground. Though learned counsel appearing for the State made an attempt to defend the order of the trial Court, the matter was referred and investigation was conducted by the police, consequent upon the said direction and when there was no such compliance, there cannot be any criminal prosecution. Hence, petitioners have made out the ground to invoke Section 482 of Cr.P.C.

In view of the discussions made above, I proceed to pass the following order,

The petition is ***allowed***.

The PCR No.134/2018 (Crime No.141/2018) registered by Ramanagara rural police station and pending in C.C.No.1505/2020, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

AKV
List No.: 1 Sl No.: 22