HC-KAR
NC: 2026:KHC:61142
CRL.P No. 3513 of 2019
CNR: KAHC010111582019

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.3513 OF 2019

BETWEEN:

1. SRI. BHARATH J
S/O. JAGANNATHAN
AGED ABOUT 39 YEARS
NO.5-6 BHARATH BUNGLOW
CONCORD SILICON VALLEY
NEXT TO WIPRO DODATHOGURU
ELECTRONIC CITY PHASE-1
NEELADI ROAD
BENGALURU-560 100.

ALSO AVAILABLE AT
VHF GROUP OF COMPANIES
NO.129, SIPCOT COMPLEX
JUJUVADI HOSUR
TAMILNADU-635109
REP. BY ITS MANGING DIRECTOR
BHARATH J.

...PETITIONER

(BY SRI. LEELADHAR H.P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY RAMAMURTHY NAGAR POLICE
REPRESENTED BY SPP
HIGH COURT BUILDINGS
BENGALURU-560 001.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

2. M/S. MITHRA SHELTER PVT. LTD.,
NO.36, 1ST FLOOR
HOYSALA STREET
NAGAPPA REDDY LAYOUT
RAMAMURTHY NAGAR
D NAGAR POST
BENGALURU-560 016
REPRESENTED BY ITS DIRECTOR
D.R.PURSHOTHOTHAM.

…RESPONDENTS

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

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN P.C.R.NO.55754/2017, PENDING ON THE FILE OF X ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU CITY, REFERRING THE MATTER UNDER SECTION 156(3) OF THE CR.P.C. TO THE 1ST RESPONDENT POLICE DATED 19.08.2017 AS ALLEGED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 420, 504 AND 506 OF IPC.

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

CNR: KAHC010111582019

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

ORAL ORDER

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

2. The prayer is sought in this petition to quash entire proceedings in PCR No.55754/2017 referring the matter under Section 156(3) of Cr.P.C. dated 19.08.2017 for the offence punishable under Sections 420, 504 and 506 IPC.

3. Based on the private complaint filed by the respondent No.2-complainant invoking Section 200 of Cr.P.C., the respondent No.1 invoked the offence under Sections 420, 506 and 504 IPC and along with the complaint, affidavit is also filed. But, there is no compliance of Sections 154(1) and 154(3) of Cr.P.C. and having perused the complaint, no such averment is made.

4. Learned counsel for the petitioner also reiterates the contents of complaint, particularly paragraph Nos.12 and

13 and learned counsel for respondent No.2-complainant also not disputes the same. Even in the affidavit also, not stated anything as to compliance of Sections 154(1) and 154(3).

5. 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,** wherein the Apex Court held that while filing a private complaint and invoking the jurisdiction under Section 156(3) of Cr.P.C., it should be supported by an affidavit and there must be compliance under Sections 154(1) and 154(3) and when the complainant filed the complaint and the police failed to register the case and refused to entertain the same, the complainant ought to have approached the Superior Officer and there is no such averment and to that effect, no document is also placed along with the complaint. Under the circumstances, there cannot be any criminal prosecution against the petitioner. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

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

ORDER

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

(ii) The proceedings initiated in PCR No.55754/2017 referring the matter under Section 156(3) of Cr.P.C. dated 19.08.2017 for the offence punishable under Sections 420, 504 and 506 IPC in respect of petitioner is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 19