HC-KAR
NC: 2026:KHC:59792
CRL.P No. 2359 of 2021
CNR: KAHC010118632021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2359 OF 2021

BETWEEN:

1. SRI. VIJAYAKUMAR M.S.
   S/O SRI. SHIVANNA
   AGED ABOUT 48 YEARS
   R/AT MALLASANDRA VILLAGE
   NADUVATTI, HOSAKOTE
   BANGALORE RURAL DISTRICT
   EX-SECRETARY
   HOSAKOTE TOWN HOUSE BUILDING
   CO-OPERATIVE SOCIETY LTD.,
   HOSAKOTE, BANGALORE RURAL
   BANGALORE-562 114.

...PETITIONER

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

(BY SRI. GIRISH S. HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   STATION HOUSE OFFICER
   HOSKOTE POLICE STATION
   BANGALORE - 562 114
   NOW REPRESENTED BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   DR. AMBEDKAR ROAD
   BANGALORE - 560 001.

2. HOSAKOTE TOWN HOUSE BUILDING
   CO-OPERATIVE SOCIETY LTD.,

HOSAKOTE - 562 114
REPRESENTED BY ITS PRESIDENT
SRI. J. KRISHNAMURTHY.

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. B.R.SURESH, ADVOCATE FOR R2 – ABSENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT IN CR.NO.59/2019, NOW BEING INVESTIGATED BY THE 1ST RESPONDENT POLICE AND PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DN.) AND J.M.F.C., HOSAKOTE, BENGALURU RURAL DISTRICT, BENGALURU AGAINST THE PETITIONER FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 408 AND 420 OF IPC AS THE SAME IS BASELESS AND ABUSE OF THE PROCESS OF LAW.

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 learned High Court Government Pleader for respondent No.1.

2. The petition is filed for quashing the FIR in Crime No.59/2019. Learned counsel for the petitioner would vehemently contend that though this petitioner was a Secretary during the period of misappropriation, no material is placed before the Court with regard to misappropriation is concerned.

The counsel also would vehemently contend that when the notice was issued, letter was addressed to the Society on 10.08.2018 as per Annexure-D calling upon the documents for misappropriation to the tune of Rs.6,00,000/- by this petitioner mentioning the details of notices issued earlier, since there was reference of issuance of notice in Annexure-C dated 26.07.2018 and so also, the documents and no reply was given, instead complaint is filed. The counsel would vehemently contend that it is nothing but an abuse of process and harassment and no specific material is placed for the petitioner having misappropriated the amount. The counsel also would contend that the complaint is also not based on the audit report.

3. Per contra, learned High Court Government Pleader for respondent No.1 would submit that specific accusation is made in the complaint that this petitioner along with other accused, who was working as a President along with this petitioner, who was a Secretary during the period between 2011 to 2014 misappropriated the amount, in total Rs.14,00,000 and even notice was given to make payment with interest to the tune of Rs.11,34,000 and inspite of notice being

issued on 26.07.2018 referring earlier notices, amount was not paid. Hence, complaint was filed. The counsel would submit that the Court has to take note of contents of the complaint and allow the Investigating Officer to unearth the truth and there cannot be quashing. The counsel also brought to notice of this Court that for having drawn the money by this petitioner along with other accused, who was working as President during the said period, the statement of account of Town House Building Co-operative Society Limited is furnished and it also discloses the same. In respect of the contention of learned counsel for the petitioner that complaint is not based on the audit report, learned High Court Government Pleader for respondent No.1 would submit that bank statement is very clear for having drawn the money and even if no such audit report also, when specific accusation is made, the matter has to be investigated by the Investigating Officer and no audit report is not a ground to quash the FIR and matter requires investigation.

4. Having heard learned counsel appearing for the petitioner and learned High Court Government Pleader for

respondent No.1, the scope of Section 482 of Cr.P.C. to quash the FIR is very limited. The Apex Court in the judgment in **DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104**, categorically held that the Court should not venture to quash the FIR, if complaint does disclose committing of an offence. Having perused the contents of the complaint, specific accusation is made against this petitioner, who was working as Secretary as well as the other accused, who was working as President in the notice at Annexure-C for the period from 18.08.2011 to 15.09.2013 and in all, misappropriated the amount to the tune of Rs.14,00,000/-. As against this, notice was also given as per Annexure-C to the petitioner for having misappropriated the amount of Rs.6,00,000 and asked him to pay the principal amount with interest and the same was not paid. When such specific allegations are made in terms of Annexure-C, it is a matter of investigation by the Investigating Officer and it is the domain of the Investigating Officer to investigate the matter. If no such misappropriation as contented by learned counsel appearing for the petitioner, the

Investigating Officer will file a 'B' report and it is the duty of the Investing Officer to unearth the truth when specific accusation is made. When the complaint does disclose committing of an offence of misappropriation, that too, in respect of a Co-operative Society, matter requires investigation and petitioner can also furnish the documents during investigation to the Investigating Officer. Hence, I do not find any grounds to exercise the power under Section 482 of Cr.P.C. to quash the FIR.

5. 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.: 25