HC-KAR
NC: 2026:KHC:64771
CRL.P No. 2443 of 2021
CNR: KAHC010122632021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 2443 OF 2021 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. MR KAMALAKANNAN S
S/O SRI SELLAPPA RAMASAMY
AGED ABOUT 39 YEARS
PRESENTLY R/A NO.13M,
KAASHYAP ENCLAVE, VELACHERY
HIGH ROAD, VELACHERY
NEAR SHOP MC RENNET
CHENNAI-600 042, TAMILNADU.

2. MR PALANIVEL SADASIVAM
S/O SRI PALANIVEL
AGED ABOUT 35 YEARS
PRESENTLY R/A NO.33/6
13TH LANE, INDIRA NAGAR
ADYAR, CHENNAI-600 020,
TAMIL NADU.

3. MR BHOOPATHI MANOHARAN
S/O SRI MANOHARAN
AGED ABOUT 39 YEARS
PRESENTLY R/A NO.2-B, FIRST FLOOR
3RD PHASE, 11TH CROSS STREET
GUINDY INDUSTRIAL ESTATE
GUINDY, CHENNAI-600 032
TAMILNADU

...PETITIONERS

(BY SRI. MUJTABA H., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010122632021

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY
   NAZARBAD POLICE STATION
   MYSURU-570 010.

2. MR K L RAJESH
   S/O SRI LINGA SHETTY
   AGED ABOUT 43 YEARS
   R/O SRI MALAI MAHADESHWAR NILAYA
   GOPIKA HIGH SCHOOL ROAD
   YERAGANAHALLI
   MYSORE-570 011.

…RESPONDENTS

(BY SRI. SUHAS GOWDA .M, HCGP FOR R1, R2 SERVED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.121/2012 FOR THE OFFENCE P/U/S 406 AND 420 OF IPC PENDING ON THE FILE OF THE LEARNED IV ADDITIONAL SENIOR CIVIL JUDGE AND C.J.M., MYSURU IN SO FAR AS THE PETITIONERS (ACCUSED NO.3,9,10) ARE CONCERNED.

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 the learned counsel appearing to the petitioners. The respondent No.2 complainant is served and unrepresented.

2. Learned counsel appearing to the petitioners would submit that the petitioners are accused Nos.3, 9 and 10. The learned counsel brought to notice of this court the allegation made in the complaint in paragraph No.6 that the complainant made investment on 22.12.2010 and the same was acknowledged by a receipt dated 22.12.2010 vide separate receipts. The learned counsel also produced Form No. 32 before this Court in respect of petitioner No.2 Palanivel Sadashivam as per document No.3. The learned counsel further submit that petitioner No.1 also tendered resignation as per document No.3 and so also, the resignation of petitioner No.3 was accepted on 06.05.2010.

3. In a similarly placed circumstances, this Court in Criminal Petition No.2470/2021 in respect of CC No.122/2012 taken note in respect of these petitioners. The present crime is also in respect of CC No.121/2012. Having considered that the investment was made in the month of December 2010, and when the resignation was tendered on 23.04.2010 itself and the same was accepted and reported to the Registrar of

Companies vide Form No.32 and the same was notified on 06.05.2010 by the Assistant Registrar of Companies, when such being the case, the allegations made against these petitioners that investment was made in the month of December, 2010 does not arise, because on the date when the investment was made by the complainant, these petitioners were not the Directors.

4. Having heard the submission of the learned counsel for the petitioners and looking to the documents which have been produced along with the petition and that the learned counsel appearing for the State has also not disputed the fact that Form No.32 was issued prior to the investment, when such being the case, there cannot be any criminal prosecution against these petitioners for the offences invoked against them. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

5. In view of the discussions made above, I passed the following order:

CNR: KAHC010122632021

ORDER

(i) The criminal petition is allowed.

(ii) The proceedings initiated against these petitioners-accused Nos.3, 9 and 10 in CC No.121 of 2012 is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

CS
List No.: 1 Sl No.: 21