HC-KAR
NC: 2026:KHC:61300
CRL.P No. 2442 of 2021
CNR: KAHC010122692021

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.2442 OF 2021

BETWEEN:

1. SMT. SHAKUNTHALA,
W/O SHEKARAPPA,
AGED ABOUT 40 YEARS,
R/AT HOOVINAHALLI,
BIRUR HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT-577548.

…PETITIONER

(BY SRI. PRAKASH M.H., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY BIRUR POLICE STATION,
CHIKKAMAGALURU DISTRICT,
THROUGH THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560001.

2. SRI. T.M. DEVARAJ NAYAK,
AGED ABOUT 37 YEARS,
CHIEF EXECUTIVE OFFICER,
KADUR TALUK PANCHAYATH,
CHIKKAMAGALURU DISTRICT-577548.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SMT. NAYANASHREE A.K., ADVOCATE FOR
SRI. ASHOK N. NAYAK, ADVOCATE FOR R2)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET SUBMITTED AGAINST THE PETITIONER BY THE RESPONDENT POLICE IN C.C.NO.1131/2020 WHICH IS PENDING BEFORE THE III ADDL. CIVIL JUDGE AND JMFC, KADUR, CHIKKAMAGALURU DISTRICT, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 403 AND 409 OF IPC.

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 for the petitioner, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. This petition is filed praying this Court to quash the charge-sheet in C.C.No.1131/2020, pending before the III Additional Civil Judge and JMFC, Kadur, Chikkamagaluru, for the offences punishable under Section 403 and 409 of IPC.

3. This proceedings is initiated against the petitioner based on the complaint dated 18.09.2018, wherein an allegation is made that this petitioner being the President of the Grama Panchayath, has given 300 plants to her husband and

those plants are given by the Forest Department for the Social Forestry and that the petitioner has misused her powers. Based on the complaint, the police have registered the FIR in Crime No.100/2018 and investigated the matter and filed the charge-sheet.

4. The learned counsel for the petitioner would submit that the petitioner was elected as a member of Balliganuru Grama Panchayath and was also elected as Adhyaksha of the said Panchayath and with the assistance of the Department of Forest, saplings were distributed to different beneficiaries under the Social Forestry Scheme. On the basis of the complaint lodged against the petitioner, offences under Sections 403 and 409 of IPC was registered against the petitioner. The learned counsel would submit that as usual when the Forest Department supplied the saplings, the same were distributed in the village. In the similar set of circumstances, the husband of the petitioner also received and planted the saplings and only due to personal vengeance, a complaint is lodged. The worth of the same is Rs.3,630/- and when the petitioner came to know about the worth of Rs.3,630/-, in order to avoid the

complications, she made the payment of Rs.3,630/- with interest, in total a sum of Rs.5,446/- and in spite of this, invoked the offences under Sections 403 and 409 of IPC and it will not attract Sections 403 and 409 of IPC.

5. The learned counsel for respondent No.2/complainant also not disputes the fact that after making the payment only, the proceedings are initiated and not disputes the fact that payment was made.

6. The petitioner being the President gave the plants/saplings and the same is in a usual course of supply by the Forest Department, that is also under the scheme of Social Forestry and other beneficiaries are also the villagers and agriculturists and similarly the husband of the petitioner is also an agriculturist. There are no separate or specific criteria prescribed for the distribution of the said saplings. Merely because the petitioner happened to be the President of the Grama Panchayath, no adverse inference can be drawn against her. Under the said scheme only saplings are distributed and the said saplings were also utilized by the petitioner's husband for the purpose of developing forestry and there was absolutely

no misuse of the same. When such being the case, it will not attract the ingredients of the offence under Sections 403 and 409 of IPC. The very initiation of proceedings and continuation of the proceedings against the petitioner even after payment of Rs.3,630/- with interest would lead to miscarriage of justice and also an abuse of process and hence, the petitioner has made out the ground to quash the proceedings.

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

ORDER

The petition is allowed and the proceedings initiated against the petitioner in C.C.No.1131/2020 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 14