HC-KAR

NC: 2026:KHC:62365
CRL.P No. 2695 of 2021

CNR: KAHC010136632021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 2695 OF 2021 (482(Cr.PC) / 528(BNSS))

BETWEEN:

SMT. YASHODA
W/O CHINNAPPA
AGED ABOUT 48 YEARS,
CHIKKABANAHALLI VILLAGE,
KANNAMANGALA POST,
VIA KADUGUDI
BANGALORE-560067.

...PETITIONER

(BY SRI. GOVARDHAN S., ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
REPRESENTED BY
KADUGONDANAHALLI P.S.
REP. BY SPP, HIGH COURT BUILDINGS,
BENGALURU.

2. SMT. M. BHAGYAMMA
W/O M. BALARAJU
AGED ABOUT 51 YEARS,
R/AT NO.16, DEVATHA LAYOUT,
BEHIND KEMPAPURA TEMPLE,
HENNUR CROSS, KALYANANAGAR,
BENGALURU-560043.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1, ADVOCATE
SRI. H. MAREGOWDA, ADVOCATE FOR R2 (ABSENT))

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR FILED BY THE RESPONDENT NO.1 I.E., KADUGONDANAHALLI POLICE STATION IN CR.NO.30/2019 DATED 21.01.2019 FILED FOR THE OFFENCES PUNISHABLE UNDER SECTION 419, 420, 504 & 506 READ WITH 34 OF THE IPC FILED AGAINST THE PETITIONER/ACCUSED NO.4 PENDING ON THE FILE OF THE LEARNED XI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, MAYO HALL AT BENGALURU VIDE ANNEXURE-A AND ETC.

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 also learned counsel appearing for the State. Learned counsel for the respondent No.2 is absent, though represented by counsel.

2. Learned counsel for the petitioner has made a specific allegation that by impersonation, sale deed was executed in favour of accused Nos.2 and 3 by the accused Nos.1, 4 and 5. Learned counsel appearing for the petitioner who represents on behalf of accused No.4 in the petition contended that no specific allegation against this petitioner and also he did not get any benefit in the said transaction. Apart from that, counsel submits that when the private complaint was filed, only

averment is made that he approached the police and police did not register the case. But there is no averment with regard to approaching the superior officers in compliance under sections 154(1) and 154(3) of Cr.P.C., and apart from that when the private complaint was filed, not filed any affidavits. In view of the judgment of the Apex Court in ***Priyanka Srivastava and Another vs. State of Uttar Pradesh and Others*** reported in ***(2015) 6 SCC 287*** case and having taken note of the said contention raised by the counsel and also on perusal of the complaint, in paragraph No.10, an averment is made only with regard to the approach made to the police, but police did not register the case, since the accused persons are highly influential persons, having man, money and muscle power, and also well known to politicians and superior police officers in the Police Department. But though such allegation is made, no such averment that they have approached the superior police officers in compliance of Section 154(1) and 154(3) of Cr.P.C. Apart from that, as rightly pointed out, by the learned counsel appearing for the petitioner that no affidavit is filed in support of the complaint and Apex court also in the judgment of ***Priyanka Srivastava case***, held that there cannot be any

criminal prosecution of vexatious and vindictive allegations made in the absence of affidavit. When such being the case, it is a fit case to exercise the power under section 482 of Cr.P.C., in view of no affidavit, as well as no compliance under Section 154(1) and 154(3). In view of the discussions made above, I proceed to pass the following order,

This petition is ***allowed*** and the proceedings against the petitioner/accused No.4 is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

AKV
CT:SM
List No.: 1 Sl No.: 28