HC-KAR

NC: 2026:KHC:65557
CRL.P No. 2803 of 2024

CNR: KAHC010156332024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 2803 OF 2024

BETWEEN:

1. SRI VENKATESH K
   S/O LATE KRISHNEGOWDA
   AGED ABOUT 48 YEARS

2. SMT. LAKSHMI
   W/O VENKATESH K
   AGED ABOUT 43 YEARS

3. KUMARI SINCHANA
   D/O VENKATESH K
   AGED ABOUT 21 YEARS

   ALL ARE RESIDING AT
   KADEMANUGANAHALLI VILLAGE
   HANAGODU HOBLI
   HUNSUR TALUK
   MYSURU DISTRICT-571 106

...PETITIONERS

(BY SRI. SRINIVASA D.C, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE BY HUNUSUR RURAL POLICE
   REPRESENTED BY
   THE STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   DR. AMBEDKAR VEEDHI,
   BENGALURU-560 001

2. SRI. ASHOK
S/O THAMMEGOWDA
AGED ABOUT 30 YEARS
RESIDING AT
KADEMANUGANAHALLI VILLAGE
HANAGODU HOBLI
HUNSUR TALUK
MYSURU DISTRICT-571 106

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.367/2023 U/S 420, 506 R/W 34 OF IPC, REGISTERED BY THE RESPONDENT NO.1, HUNSUR RURAL POLICE, AGAINST THE PETITIONERS/ACCUSED NO.1 TO 3, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DN.) AND J.M.F.C., HUNSUR.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the FIR registered against the petitioners/accused Nos.1 to 3 in Crime No.367/2023, registered by Hunsur Rural Police, for the offences punishable under Sections 420 and 506 of IPC, pending on the file of Prl. Civil Judge (Jr. Dn.) and JMFC Court, Hunsur, Mysore City.

2. The brief facts of the case are, respondent No.2 lodged a complaint before respondent No.1-Police on 14.12.2023 alleging that himself and the petitioners are the residents of Kademanuganahalli Village, Hunsur Taluk. As such, petitioner Nos.1 and 2 used to visit the house of respondent No.2. During January 2022, petitioner Nos.1 and 2 proposed for marriage of her daughter i.e., petitioner No.3 to respondent No.2. Accordingly, the said marriage proposal was accepted by the parents of respondent No.2. Thereafter, petitioner No.3 used to roam around with respondent No.2 and they used to visit the house of both the family. Petitioner No.3 pleaded financial difficulties of their family and asked for financial assistance several times. Accordingly, respondent No.2 gave a sum of Rs.15,00,000/- to petitioner No.1, Rs.8,00,000/- to petitioner No.2 and a sum of Rs.2,00,000/- to petitioner No.3 through PhonePe and transfer of money to their Bank Accounts. Thus, the petitioners availed a total sum of Rs.25,00,000/- from respondent No.2. Thereafter, when he insisted for marriage, they drag on the proposal for one year and when he insisted for return of money, they threatened him with dire

consequences. Thus, the petitioners, with a dishonest intention to cheat respondent No.2, has availed a huge sum of money from respondent No.2. On the strength of the said complaint, FIR came to be registered in Crime No.367/2023 against the petitioners for the offences punishable under Sections 420 and 506 of IPC. Aggrieved by the same, the petitioners/accused Nos.1 to 3 are before this Court.

3. Heard the learned counsel for the petitioners and learned HCGP for respondent No.1. There is no representation for respondent No.2.

4. The primary contention of the learned counsel for the petitioners is, this complaint is lodged by respondent No.2 out of wreaking vengeance against the petitioners. According to him, petitioner No.3 and respondent No.2 were in good terms and there was a proposal by petitioner No.3 and her family members to respondent No.2 to perform their marriage. However, due to some unavoidable circumstances, the same was not materialized. Further, since respondent No.2, who was working in Rupipay Private Finance Company, had the

transaction beyond two crores, in order to avoid payment of TDS, he requested the Bank accounts details of the petitioners and accordingly, transacted in their bank accounts. However, the said amount was withdrawn by respondent No.2 through the petitioners. Further, since the marriage was called off, respondent No.2 demanded and taken a sum of Rs.8,50,000/- from petitioner No.1 to delete and not to upload the photos of petitioner No.3 in social media. Despite, a complaint has been lodged against the petitioners. Further, the petitioners have also lodged a complaint against respondent No.2 which was registered in Crime No.243/2023 for the offences punishable under Section 447, 42 of IPC read with Section 2(A) of the Prevention Destruction and Loss of Property Act, 1981. Thus, in order to wreak vengeance, respondent No.2 filed a baseless complaint and therefore, the ingredients of offences alleged against the petitioners do not attract against them. Accordingly, he prays to allow the petition.

5. *Per contra*, learned HCGP opposed the prayer on the ground that investigation is still at nascent stage. He also contended that on perusal of the complaint averments, there

are monetary transactions between the petitioners and respondent No.2 and they also foisted life threat against respondent No.2. In such circumstances, the allegations in the complaint has to be investigated to unearth the truth. Accordingly, he prays to dismiss the petition.

6. I have given my anxious consideration to the submissions of learned counsel for the respective parties and perused the material on record.

7. As could be gathered from the complaint averments, the same depicts that both the petitioners and respondent No.2 are neighbours and they are the residents of Kademanuganahalli village and there was a marriage proposal of petitioner No.3 with respondent No.2. Since the marriage was called off due to unavoidable circumstances, there was dispute between them. As regards the contention of respondent No.2 that he has paid a total sum of Rs.25,00,000/- to the petitioners is concerned, a careful perusal of the statement given by respondent No.2 on 07.04.2023 before respondent No.1-Police reveals that since he was working in Rapipay

Finance Company and had transactions beyond two crores and in order to avoid TDS, he transferred the amount to the Bank accounts of the petitioners and later, he withdrawn the same from their accounts. It is also forthcoming in the said statement that respondent No.2 agreed to delete all the photographs and videos of petitioner No.3 in his mobile and that the matter was closed at that stage. Hence, on perusal of the said statement, it is clear that monetary transactions which respondent No.2 alleged against the petitioners in the present complaint appears to be doubtful. The documents placed by the learned counsel for the petitioners discloses that a complaint has been filed by petitioner No.1 against respondent No.2 for destruction of the arecanut trees in the farmland of petitioner No.1, which was registered in Crime No.243/2023 on 09.08.2023 against respondent No.2 and the same is pending. Such being the position, it is clear that the present complaint has been lodged by respondent No.2 subsequently on 14.12.2023, out of vengeance. Thus, the allegations in the complaint averments do not make out a *prima facie* case against the petitioners. Hence, the continuation of the proceedings against the

petitioners/accused Nos.1 to 3 would amount to abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioners/accused Nos.1 to 3 in Crime No.367/2023, registered by Hunsur Rural Police, for the offences punishable under Sections 420 and 506 of IPC, pending on the file of Prl. Civil Judge (Jr. Dn.) and JMFC Court, Hunsur, Mysore City, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 24