HC-KAR

NC: 2026:KHC:60339
WP No. 8733 of 2022

CNR: KAHC010189672022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 8733 OF 2022 (GM-RES)

BETWEEN:

SRI NARASIMHA MURTHY
S/O. NARASUMMAIAH,
AGE 56 YEARS,
R/AT NO.9 SRI VENKATESHWARA NILAYA
ANJANAPURA 9TH PHASE,
BENGALURU CITY - 560 062.

...PETITIONER

(BY SRI. SANKET M. YENAGI., ADVOCATE (VC))

AND:

1. THE STATE OF KARNATAKA
VIDHANA SOUDHA,
BENGALURU - 560 001
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS

2. THE SUB INSPECTOR OF POLICE
TALAGHATTAPURA POLICE STATION
BENGALURU CITY - 560 001

3. SRI CHANNAKESHAVA MURTHY GOWDA
S/O LATE S D THIMMIAH,
AGE 50 YEARS,

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

R/AT SANABA GHATTA VILLAGE,
AMRUTHURU HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT - 572 111.

4. SRI CHANDRASHEKAR M
S/O. LATE MAHADEVAIAH
AGE 50 YEARS,
R/AT NO 7/31, 2ND FLOOR
2ND MAIN DOMMALURU LAYOUT,
BENGALURU CITY - 560 007

…RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1 AND R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE CHARGE SHEET DATED 08.10.2021 FILED IN C.C.NO.925/2022 FILED BY THE R-2 ON THE FILE OF THE ADDL CHIEF JUDICIAL MAGISTRATE (ACMM) BANGALORE RURAL BANGALORE RURAL DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri. Sanket M. Yenagi, learned counsel for the petitioner and Smt. Waheeda M.M., learned High Court Government Pleader.

2. Defacto complainant is the petitioner with the following prayer by approaching this Court under Article 226 to 227 of the Constitution of India read with Section 482 of Code of Criminal Procedure:

> *A) Issue a Writ of Certiorari quashing the charge sheet No. 24/2021, charge sheet dated 17.12.2021, filed in CC No. 925/2022 filed by the respondent No.2, on the file of the Addl Chief Judicial Magistrate (ACJM) Bangalore Rural Bangalore Rural District, at Annexure- C, in the interest of justice and equity.*
>
> *B) Consequently, issue a Writ of Mandamus directing the respondent No.2 to further investigate the complaint of the petitioner in Crime No. 160/2021 pending before the respondent No.2 Talaghattapura Police Station, on the file of the Addl Chief Judicial Magistrate (ACJM) Bangalore Rural Bangalore Rural District, at Annexure-A, receive and consider in accordance with law the material evidences being placed by the petitioner in the course of investigation and file a final report, in the interest of justice and equity.*

3. Complainant lodged the complaint with the Police Inspector, Talaghattapura on 08.10.2021 which came to be registered in Crime No.160 of 2021 for the

offence punishable under Sections 406, 420, 504 read with Section 34 of the Indian Penal Code.

4. Police have investigated the matter and filed the charge sheet.

5. According to the complainant, the investigation is perfunctory in nature and Investigation Officer did not bestow best attention to the relevant aspects of the matter resulting in jeopardizing the rights of the complainant and therefore the writ petition needs to be allowed.

6. Per contra, Smt. Waheeda, learned High Court Government Pleader would submit that best of the investigation has been done in the matter and charge sheet has been filed and if the petitioner is aggrieved, he may furnish the details before the Jurisdictional Court when he is examined on evidence and suitable orders can be obtained.

7. Having heard the arguments of both sides, this Court perused the matter on record meticulously.

8. On such perusal of the material on record, the allegations and the grounds that are urged in the writ petition are to be placed before the Jurisdictional Magistrate in the form of testimony when the complainant is examined as a witness.

9. It is settled principle of law that a particular complainant or for that matter Court cannot direct that the investigation should be conducted in a particular manner. Such a power is not vested in this Court nor such a right is carved out for the complainant as per the scheme of the Code of Criminal Procedure or Bharatiya Nyaya Suraksha Sanhita.

10. If the complainant is of the opinion that important aspects of the matter has not been investigated by the Investigation Officer, he may furnish those details when he is examined as a witness before the Trial Magistrate and if any such fresh material is deposed to by the complainant, necessary application shall be filed by the

prosecuting Agency to summon the necessary documents under Section 91 of the Code of Criminal Procedure.

11. Likewise, if any ingredients are deposed to by the complainant attracting any further offence other than what has been mentioned in the charge sheet, the prosecution can take recourse to Section 216 of the Code of Criminal Procedure to frame additional charges.

12. If any of the accused persons are left out by the Investigation Agency as is contended by the complainant, recourse to Section 319 of the Code of Criminal Procedure can be resorted to.

13. Reserving such liberty for the petitioner on the aforesaid contingencies, the present writ petition stands ***disposed off***.

Sd/-
(V SRISHANANDA)
JUDGE

SNC
List No.: 1 Sl No.: 24