HC-KAR

NC: 2026:KHC:60161
CRL.P No. 3163 of 2020

CNR: KAHC010196592020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3163 OF 2020

BETWEEN:

1. T.R. KESHAVA MURTHY
   S/O T.V. RAMANNA
   AGED ABOUT 63 YEARS
   RETIRED ASSISTANT
   AGRICULTURE OFFICER
   R/O NO.100, 1ST BLOCK EAST
   JAYANAGARA, BANGALORE-560 011.

…PETITIONER

(BY SRI. MANJUNATH K.G., ADVOCATE FOR
SRI. VENKATESH P. DALWAI, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REPRESENTED BY POLICE SUB-INSPECTOR
   DEVANAHALLI POLICE STATION
   DEVANAHALLI, BANGALORE RURAL.

2. REVANAPPA MANAGOOLI
   S/O LATE H.H. MANAGOOLI
   AGED ABOUT 50 YEARS
   OCC: GOVT. OFFICIAL GAZZETED
   ASST. DIRECTOR OF AGRICULTURE,
   DEPARTMENT OF AGRICULTURE
   DEVANAHALLI TALUK
   BANGALORE RURAL DISTRICT-560 011.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1 AND R2)

CNR: KAHC010196592020

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH ENTIRE PROCEEDINGS ON THE FILE OF THE LEARNED ACJ AND JMFC DEVANAHALLI IN CR.NO.35/2020 FOR THE OFFENCE P/U/S 403 AND 409 OF IPC, PRODUCED AT ANNEXURE-A.

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 petitioner and learned Additional SPP for respondent Nos.1 and 2.

2. This Court heard the matter earlier and directed the Additional SPP to produce the audit report and accordingly, audit report is produced for the year 2008-2009, wherein an amount of Rs.14,097/- is shown as deficit and sought time to produce the report in respect of 2010-2011, 2011-2012 and 2012 and 2013. But, on the previous occasion, filed a memo along with letter of endorsement that they were unable to procure audit report for the year 2010 to 2013.

3. The prayer is sought in this petition for quashing the FIR and allegation made in the FIR is that this petitioner was working as Agricultural Officer, who has retired from

service during the period 2007-08 to 2013-2014 and when he was discharging the duty, an amount of Rs.4,44,400/- and also an amount of Rs.4,86,654, in all Rs.9,31,054/- was sanctioned as Corpus Fund and the same was misused.

4. The counsel appearing for the petitioner would submit that in the absence of audit report, there cannot be any prosecution against the petitioner. The counsel also would vehemently contend that very initiation of proceedings against the petitioner is erroneous and as per the service Rules 214(2)(b) (ii) of KCSR, initiation of proceedings against the petitioner is barred by limitation. The consideration of date of alleged offences from 2008-2013 must be taken as the date on which the alleged offences have been committed by the petitioner. Since the FIR was lodged on 22.05.2020 i.e., after retirement of the petitioner, it is clear that FIR has been filed after lapse of six years. That the criminal proceedings is launched against the petitioner long after expiry of six years period from the date on which cause of action arose. Hence, there cannot be any criminal prosecution against the petitioner.

The counsel also would submit that there is no prima facie material against the petitioner and FIR needs to be quashed.

5. Per contra, learned Additional SPP appearing for respondent Nos.1 and 2 would submit that in the complaint, specific allegations are made against the petitioner for having misappropriated the amount and matter requires investigation and contents of Annexure-B is very clear with regard to misappropriation of the amount allotted to the department under 'DPAP Scheme' as well as 'IWMP Scheme', in total to the tune of Rs.9,31,054/- which is a Corpus fund and the same was misused. Hence, matter requires investigation. The counsel also having submitted the audit report for the year 2009 and 2010 brought to notice of this Court in paragraph No.22, wherein it is specifically ordered that amount to the tune of Rs.14,077/- shall be recovered from the petitioner, but the same was not paid. Hence, matter requires investigation.

6. Having heard learned counsel appearing for the petitioner and learned Additional SPP for respondent Nos.1 and 2 and considering the contents of complaint Annexure-B, specific accusation is made against the petitioner and while

exercising the power under Section 482 of Cr.P.C., particularly while quashing the FIR, the Court has to look into the contents of complaint. Apart from that, audit report is also filed for the period 2008-2009, which evidence the fact that portion of the amount was misappropriated and matter requires investigation. The Apex Court also in the judgment in **DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104**, categorically held that the Court should not venture to quash the FIR when the complaint does disclose committing of an offence in paragraph No.30 of the judgment. It is also contention of learned counsel for the petitioner that proceedings against the petitioner is barred by limitation as per service Rules 214(2)(b)(ii) of KCSR and the said contention cannot be accepted for the reason that even if it is after lapse of six years, when misappropriation of the amount is noticed, the same cannot be a ground to quash the proceedings.

7. When such being the case and when specific accusation is made for the specific period, matter has to be investigated by the Investigating Officer and it is the domain of

the Investigating Officer to investigate the matter and unearth the truth whether such misappropriation is made or not. Hence, no ground is made out to quash the proceedings. If no such misappropriation is made by the petitioner during the course of investigation, automatically the Investigating Officer will be filing 'B' report. Therefore, it is not a case for invoking Section 482 of Cr.P.C.

8. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 10