HC-KAR
NC: 2026:KHC:60063
CRL.P No. 4387 of 2026
CNR: KAHC010197772026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 4387 OF 2026

BETWEEN:

SMT. SMITHA VILAS SAPLE,
WW/O SRI VILAS SAPLE
AGE ABOUT 70 YEARS
R/A NO 14 SHASTRI NAGAR
BELGAUM
KARNATAKA - 590 001

...PETITIONER

(BY SRI. HARIPRASAD M.B., ADVOCATE)

Digitally signed by BELUR RANGADHAMA NANDINI
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY THE STATION HOUSE OFFICER
   BELLANDUR POLICE STATION
   MARATHAHALLI SUBDIVISION
   BENGALURU CILTY
   REP BY THE STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   BENGALURU - 560 001

2. RAJ SHARMA
   S/O J D SHARMA

AGE ABOUT 47 YEARS
RESILDING AT NO.201
CRYSTAL OKIVIYA APARTMENTS
NEAR CENTRO MALL
BELLANDUR
BENGALURU - 560 103

…RESPONDENTS

(BY SRI. NAGHARISH G.S., HCGP FOR R1
SRI. PRAVEEN KUMAR HIREMATH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.P.C. (FILED U/S 528 BNNS) PRAYING TO QUASH THE IMPUGNED FIR FILED BY THE RESPONDENT NO.1 BALLANDUR POLICE STATION IN CRIME/FIR NO.0533/2025 AT III ADDL.C.M.M COURT BENGALURU, THEREFROM FOR THE ALLEGED OFFENCES P/U/S 316(2), 318(4), 351(3), R/W 3(5) AND 351(2) OF THE BNS 2023.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the learned counsel for the petitioner and the learned HCGP for respondent no.1 and the learned counsel for respondent no.2.

2. This petition is filed to quash the complaint and FIR in Crime No.533/2025 registered before Bellanduru Police Station for offences under Sections 316(2), 318(4), 351(2) & 351(3) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioner would submit that the petitioner is mother of accused no.2. The allegation in the complaint is that the accused no.1 and 2 promised to sell a BMW car to the complainant for Rs.15,00,000/-. When the complainant made an attempt to transmit Rs.10,00,000/- to the account of accused no.2, the amount could not be transferred and then accused no.2 instructed that the amount should be transferred to his mother's account. Accordingly, Rs.10,00,000/- is credited to the account of the petitioner/accused No.3, who is the mother of accused no.2,

and Rs.5,00,000/- is credited to the account of one David Johnson (friend of accused no.1) who is not named in the FIR.

4. Learned counsel for the petitioner would submit that in case the car is not sold, the same does not amount to a criminal case and in this case the petitioner/Accused no.3 is innocent and she is aged 70 years and partially blind and she had no contact whatsoever with the second respondent / complainant. Thus, would urge that the lodging of a complaint against the petitioner/accused No.3 is gross abuse of the process of the Court.

5. Learned HCGP would submit that there is an allegation of conspiracy against the petitioners herein, Manoj Patel, Akash Desai and David Johnson. It is the further contention that the amount is admittedly credited to the account of the petitioner/accused no.3. Thus, the matter requires investigation.

6. Learned counsel for the respondent no.2 / complainant would also submit that the matter requires

investigation as the petitioner's contention is based on the disputed question of facts.

7. The Court has considered the contentions raised at the bar and perused the records.

8. From the contents of the complaint it is apparent that when the alleged transaction relating to sale of the vehicle took place, petitioner/accused no.3 was not present. However, the complainant has stated that he made an attempt to transfer Rs.10,00,000/- to the account of accused no.2 and the amount could not be transferred at the instance of accused no.2, complainant transferred the amount to the account of the accused no.3. There is no dispute over the fact that Rs.10,00,000/- is credited to the account of the petitioner. If the amount is credited to the account of accused no.3 without the knowledge of accused no.3, then probably the petitioner/accused no.3 is not guilty of any offence. However, as there is a transfer of the amount to the account of the accused no.3, the matter requires investigation to ascertain as to whether the accused no.3 was really involved in the

transaction or not. This aspect has to be ascertained during investigation.

9. That being the position, the Court is the view that there has to be an objective investigation into the matter. In case the police find that there is no involvement of the accused no.3 in the commission of alleged offence, then there has to be appropriate report. Merely because the Court has not entertained the petition, it does not mean that the Court has expressed anything on the merits of the complaint.

10. Accordingly, criminal petition is ***dismissed.***

11. All contentions urged kept open to be investigated by the police and after thorough objective investigation, appropriate report has to be filed.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

NMS
List No.: 1 Sl No.: 20