HC-KAR

NC: 2026:KHC:61573
WP No. 11142 of 2022

CNR: KAHC010246882022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 11142 OF 2022 (GM-RES)

BETWEEN:

MAHABALESHWAR HEGDE
S/O.LATE GANESH HEGDE,
AGED 63 YEARS,
RESIDING AT 582/A,
'BALAJI HEIGHT', G-1,
7TH MAIN, 6TH CROSS,
11TH BLOCK, VINAYAKA BADAVANE,
NAGARABAVI, BANGALORE - 560 072.

...PETITIONER

(BY SRI. P.M. NAYAK, ADVOCATE)

AND:

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

1. THE PRINCIPAL SECRETARY
SOCIAL WELFARE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, BANGALORE - 560 001.

2. THE COMMISSIONER
DEPARTMENT OF SOCIAL WELFARE,
GOVERNMENT OF KARNATAKA,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.

3. THE MANAGING DIRECTOR
DR. B.R. AMBEDKAR DEVELOPMENT

CORPORATION LTD.,
VISHWESHWARYYA TOWER,
DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.
(STATE GOVERNMENT UNDERTAKING
BY ITS MANAGING DIRECTOR)

4. SUPERINTENDENT OF POLICE
KARNATAKA LOKAYUKTHA,
KOLAR DISTRICT.

5. N. NARAYANASWAMY
S/O NAREPPA,
AGED ABOUT 56 YEARS,
R/AT IN FRONT OF GOVERNMENT
PRE UNIVERSITY COLLEGE (BOYS)
M.G.ROAD, SRINIVASAPURA TOWN,
KOLAR DISTRICT - 563 135.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1 TO R3;
SRI. B.B. PATIL, ADVOCATE FOR R4;
SRI. R. SRINIVASA GOWDA, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF THE CR.PC, 1973 PRAYING TO-CALL FOR RECORDS FROM THE R1 IN SO FAR AS IT RELATES TO THE IMPUGNED ORDER VIDE ANNEXURE-H AND ETC.,

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

CNR: KAHC010246882022

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.P.N.Nayak, learned counsel for the petitioner, Smt.K.P.Yashodha, learned Additional Government Advocate for respondent Nos.1 to 3, Sri.B.B.Patil, learned counsel for respondent No.4 and Sri.R.Srinivasa Gowda, learned counsel for respondent No.5.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C. with the following prayers:

> "*Wherefore it is prayed that, this Hon'ble court be pleased to:*
>
> *a. Call for records from the first respondent insofar as it relates to the impugned order vide Annexure-H;*
>
> *b. Issue writ of certiorari or any other writ to quash the order vide No.SWL 16 SDC 2020 dated 08.02.2022 passed by the first respondent as at Annexure-H to the writ petition insofar as petitioner is concerned;*
>
> *c. Issue writ of certiorari or any other writ to quash the FIR dated 06.04.2022 in Crime No.8/2022 filed by the fourth respondent as at Annexure-J to the writ petition before the Principal District and Sessions*

Judge Kolar Distrct, at Kolar insofar as the petitioner is concerned;

d. Grant such other/further reliefs as this Hon'ble Court deems fit as to the facts and circumstances of the case;

in the interest of justice and equity."

3. Facts of the case are as under:

3.1. Based on the complaint lodged by respondent No.5 – Narayanaswamy, the then Anti corruption Bureau, Kolar District registered a complaint in Crime No.8/2022 for the offence punishable under Section 13(1)(c) and (d) and 13(2) of Prevention of Corruption Act and Sections 468, 471 and 120B of Indian Penal Code.

3.2. Gist of the complaint averments as could be seen from column No.9 of the FIR is that on 10.12.2019, respondent No.5 approached the Anti corruption Bureau and lodged a written complaint.

3.3. In the written complaint, it is found that for the benefit of Schedule Caste and Schedule Tribe persons, under the direct loan scheme, a project was floated where under the

loan would be granted to the beneficiaries for purchase of cattle namely cow, buffalos, sheep, goat etc., where the Board was required to select 20% of the beneficiaries every year in the discretionary quota.

3.4. It is also found from the complaint that under the sanction orders dated 01.07.2019 and 20.07.2019, while selecting the beneficiaries under Governmental institutional quota, the beneficiaries were selected ignoring the existing Government orders. Instead of paying a sum of Rs.40,000/- to each of the beneficiaries, only Rs.5,000/- was paid to the beneficiaries with the aid of the brokers or intermediaries. Thereby there was a misuse of money to the tune of Rs.10,50,00,000/- and documents were created as if the money has been paid to the beneficiaries in full and sought for action.

4. Police after registering the case, are investigating the matter.

5. After abolition of the Anti Corruption Bureau, it is the Karnataka Lokayukta which is now investigating the matter.

6. Petitioner herein has been given the permission under Section 17(a) of the Karnataka Lokayukta Act (as amended) by the competent authority.

7. Registering of the case and continuation of the investigation is called in question in this petition by the petitioner who is accused No.1 in the FIR.

8. Learned counsel for the petitioner would contend that petitioner discharged the work of District Manager (in-charge) in the District Office of Dr.B.R.Ambedkar Development Corporation, Kolar District up to 05.07.2018 and the present scheme came into force on and from 01.04.2019 and was in force up to 17.08.2019. Therefore, at no stretch of imagination, petitioner can be held responsible for the alleged misappropriation and sought for quashing the criminal complaint insofar as present petitioner is concerned.

9. Per contra, Sri.B.B.Patil, learned counsel for respondent No.4 and Sri.R.Srinivasa Gowda, learned counsel for respondent No.5 in unison would submit that list of the

beneficiaries were prepared much earlier to the scheme itself and therefore, matter requires investigation.

10. They would further contend that mere fact that petitioner served up to 05.07.2018 in the aforesaid office itself would not be sufficient enough to quash the pending criminal complaint as investigation is still in the nascent stage and if no role of the petitioner is revealed in the incident, suitable report would be filed by the investigation agency and thus it is too premature for this Court to quash the criminal complaint.

11. Learned Additional Government Advocate for respondent Nos.1 to 3 is present and would submit that suitable orders be passed as the matter pertains to Karnataka Lokayukta.

12. Having heard the arguments of both the parties, this Court perused the material on record meticulously.

13. On such perusal of the material on record, even according to the complaint, misappropriation is in the form of paying Rs.5,000/- per beneficiary as against Rs.40,000/- as per the scheme.

14. Admittedly, petitioner served in the District Office of Dr.B.R.Ambedkar Development Corporation up to 05.07.2018.

15. Thereafter, the petitioner served as a District Officer (in-charge) in Bengaluru Urban District and retired on 31.07.2019. Therefore, even assuming that a list has been prepared or approved by the present petitioner, there was always scope for the review of the list or not to pay the benefits to the beneficiaries.

16. Moreover, there is no allegation found in the complaint that preparation of the beneficiary list was the exclusive duty of the petitioner.

17. All that could be gathered from the material on record is that petitioner discharged as District Officer (in-charge) for Dr.B.R.Ambedkar Development Corporation up to 05.07.2018. One cannot imagine that for a future project, beneficiary list would be prepared in the previous year itself.

18. Admittedly, project was for 01.04.2019 to 17.08.2019. It is highly unimaginable that a beneficiary list

would be prepared when the petitioner served as District Officer (in-charge) till up to 05.07.2018 which is almost a year earlier.

19. Under such circumstances, the pending FIR and investigation insofar as petitioner needs to be quashed.

20. Moreover, the reasons for not furnishing the sanction to register the complaint for Sri.Parashuraj Shinyalkar, who was the Managing Director, Sri.Aurnkumar - Chief Manager, Smt.Latha – District Manager and Sri.Siddaiah – Superintendent of Dr.B.R.Ambedkar Development Corporation having been given the benefit that for want of necessary staff, list could not be verified by those persons who actually recommended for the loan to be given to the beneficiaries and how the sanction to register the complaint can be furnished as against the petitioner is not forthcoming on record.

21. Therefore, this Court is of the considered opinion that even if the investigation is conducted as against the petitioner, having regard to the fact that the petitioner got relieved from the post of District Officer (in-charge) of

Dr.B.R.Ambedkar Development Corporation, Kolar District on 05.07.2018, no useful purpose would be served.

22. Hence, following:

ORDER

i. Petition is ***allowed***.

ii. Consequently, FIR registered in Crime No.8/2022 dated 06.04.2022 for the offences punishable under Sections 13(1)(c)(d) and 13(2) of Prevention of Corruption Act and Sections 468, 471 and 120B of Indian Penal Code qua the petitioner stands quashed.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 21