HC-KAR
NC: 2026:KHC:62011
CRL.P No. 5875 of 2025
CNR: KAHC010263492025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 5875 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. SRI. RAVICHANDRA. K. B.
S/O BYRAPPA
AGED ABOUT 35 YEARS
KONAGHATTA VILLAGE
KASABA HOBLI
DODDABALAPUR TALUK
BENGALURU RURAL DISTRICT – 562163

SMT. JYOTHI,
W/O CHETHAN KUMAR,
AGED ABOUT 33 YEARS,
KASABA HOBLI,
KONAGHATTA VILLAGE,
DODDABALAPUR TALUK,
BENGALURU RURAL DISTRICT-562163

...PETITIONER

(BY SRI. YOGESH MANOHAR DESAI.,ADVOCATE)

AND:

SMT. NETHRAVATHI
W/O RAVICHANDRA K B
D/O LATE MARIGOWDA
AGED ABOUT 34 YEARS
R/A NO.1050, 2ND CROSS,
MUNESHWARA BLOCK,
NEAR VISHAL SCHOOL, PIPELINE ROAD,

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T DASARAHALLI,
BENGALURU - 560057

…RESPONDENT

(RESPONDENT SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO ALLOW THIS PETITION AND QUASH THE PCR NO.133/2022 FILED BY THE RESPONDENT, FOR THE OFFENCES P/U/S. 403, 405, 415, 420, 423 AND 464 OF IPC WHICH IS PENDING BEFORE IN THE COURT OF PRL. COURT CIVIL JUDGE AND JMFC AT DODDABALLAPUR, BENGALURU RURAL, AGAINST THE PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

> *(a) To allow this petition and quash the PCR No.133/2022 filed by the respondent, for the offences p/u/s. 403, 405, 415, 420, 423 and 464 of IPC which is pending before in the court of Prl. Court Civil Judge and JMFC at Doddaballapur, Bengaluru Rural, against the petitioners.*
>
> *(b) Grant such other relief as this Hon'ble Court deems fit in the interest of justice and equity.*

2. Respondent No.2 filed a private complaint in PCR No.133/2022 against the petitioners. The learned Magistrate having taken cognizance and issued

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notice to the petitioners, they are before this Court seeking quashing of the said proceedings.

3. The principal submission of learned counsel for the petitioners is that the complaint is false and has been instituted in the background of matrimonial disputes between petitioner No.1 and respondent No.2. It is submitted that petitioner No.1 and respondent No.2 married in the year 2011 and, after about nine years of matrimonial life, differences arose between them. It is alleged that petitioner No.1 threatened the life of respondent No.2 after consuming alcohol, in respect of which a complaint was lodged on 15.09.2019. Subsequently, on 23.11.2021, respondent No.2 instituted M.C.No.100/2021 seeking dissolution of the marriage. The parties have been residing separately since 2019.

4. It is further submitted that during the pendency of the matrimonial proceedings, petitioner No.1 married one Devika. In M.C.No.100/2021, petitioner No.1 filed a statement of objections alleging that respondent No.2 and Devika had conspired to cause his death and that respondent No.2 had paid a sum of Rs.4,50,000/- to Devika as supari for the said purpose. In support of that allegation, petitioner

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No.1 produced a cheque bearing No.629189, dated 30.07.2022, drawn on the State Bank of India.

5. According to respondent No.2, the cheque book pertaining to her bank account had been sent by the bank to the matrimonial home, as that address had been furnished for correspondence. The cheque book was received at the matrimonial home and was handed over to respondent No.2 by petitioner No.2. It is alleged that two cheque leaves had been removed from the cheque book before it was handed over to respondent No.2 and that one of those cheque leaves was subsequently misused by petitioner No.1 and produced in the matrimonial proceedings.

6. Learned counsel for the petitioners disputes the said allegation. It is contended that petitioner No.1 had not received the cheque book and that it was petitioner No.2 who received it and handed it over to respondent No.2, as petitioner No.2 and respondent No.2 were in contact with each other. It is further contended that the complaint earlier lodged before the jurisdictional police on 29.10.2022 refers to cheque No.628189, whereas the cheque which is the subject matter of PCR No.133/2022 bears

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No.629189. According to learned counsel, this discrepancy demonstrates the falsity of the complaint.

7. Learned counsel nevertheless admits the matrimonial relationship between petitioner No.1 and respondent No.2 and the fact that the cheque bearing No.629189 was produced by petitioner No.1 in M.C.No.100/2021. It is also reiterated that respondent No.2 and Devika had conspired to appropriate the compensation amount received in respect of acquisition of land by the Karnataka Industrial Areas Development Board.

8. Notice having been issued to respondent No.2, though served, respondent No.2 has chosen not to enter appearance.

9. Heard Sri Yogesh Mamohar Desai, learned counsel for the petitioners, and perused the papers.

10. The submissions made by learned counsel for the petitioners have to be considered in the background of the matrimonial dispute between petitioner No.1 and respondent No.2. The parties admittedly married in the year 2011. Differences having arisen between them, respondent No.2 instituted M.C.No.100/2021

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seeking dissolution of the marriage. During the pendency of the said proceedings, petitioner No.1 is stated to have married Devika. In the statement of objections filed in the matrimonial proceedings, petitioner No.1 alleged that respondent No.2 and Devika had conspired to cause his death and that respondent No.2 had paid a sum of Rs.4,50,000/- to Devika towards the alleged supari. In support of the said allegation, petitioner No.1 produced a cheque bearing No.629189, dated 30.07.2022, drawn on the State Bank of India.

11. The allegation of respondent No.2 is that the cheque book pertaining to her bank account had been sent by the bank to the matrimonial home, as the said address had been furnished for correspondence. The cheque book was received at the matrimonial home and was handed over to respondent No.2 by petitioner No.2. It is alleged that two cheque leaves had been removed from the cheque book before it was handed over to respondent No.2 and that one of those cheque leaves was subsequently used by petitioner No.1 by committing forgery of her signature and produced in the matrimonial proceedings.

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12. The petitioners dispute the said allegation and contend that petitioner No.2 had handed over the cheque book to respondent No.2. Petitioner No.1, however, admits having produced the cheque in the matrimonial proceedings. The circumstances in which the cheque leaf came into the possession of petitioner No.1, the manner in which it was prepared and the authority, if any, under which it was used are matters which require investigation.

13. Section 403 of the IPC deals with dishonest misappropriation of movable property or dishonest conversion of such property to one's own use. The essential ingredients are the existence of movable property, its misappropriation or conversion by the accused, and the dishonest intention accompanying such act. A cheque leaf is capable of constituting movable property. The allegation that cheque leaves were removed from the cheque book of respondent No.2 without her knowledge and that one of them was subsequently used by petitioner No.1 is not an allegation of mere possession. It alleges unauthorised appropriation upon forgery and subsequent use of property belonging to respondent No.2.

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14. The fact that the cheque was produced in the matrimonial proceedings is a circumstance supporting the allegation that the cheque leaf came into the possession and use of petitioner No.1. Whether the removal was unauthorised and whether the subsequent use amounted to dishonest conversion are matters requiring examination of the evidence. At this stage, the allegation warrants investigation into the circumstances in which the cheque leaf was removed, retained and subsequently used. The petitioners' explanation as to how the cheque book was received and handed over cannot be accepted as conclusive without investigation.

15. Section 405 of the IPC defines criminal breach of trust. The provision requires entrustment of property, or dominion over property, to the accused, followed by dishonest misappropriation or conversion of that property to his own use, or dishonest use or disposal of the property in violation of a direction of law or a legal contract governing the manner in which the trust is to be discharged.

16. In the present case, the complaint alleges that the cheque book was received at the matrimonial home and that the cheque leaves were removed before the

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cheque book was handed over to respondent No.2. The petitioners themselves contend that petitioner No.2 received the cheque book and handed it over to respondent No.2. The circumstances in which the cheque book was received, the custody exercised over it, the alleged removal of the cheque leaves and the subsequent use of one such leaf by petitioner No.1 require examination.

17. The investigating agency would have to ascertain whether any of the petitioners had been entrusted with the cheque book or had dominion over it, the circumstances in which the cheque leaf was removed, and whether the same was thereafter dishonestly misappropriated, converted, used or disposed of. Whether the facts ultimately establish entrustment and dishonest breach of trust cannot be determined at this stage. The absence of a completed investigation into these circumstances cannot be a ground to terminate the proceedings.

18. Section 415 of the IPC defines cheating. The provision requires deception of a person and either fraudulent or dishonest inducement to deliver property or consent to its retention, or intentional inducement to do or omit an act which the person

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would not otherwise do or omit, resulting in or being likely to result in damage or harm to that person in body, mind, reputation or property.

19. The allegation in the present case is that the cheque book was received at the matrimonial home and that cheque leaves were removed without the knowledge of respondent No.2 before the cheque book was handed over to her. The alleged removal and concealment of the cheque leaves, followed by the use of one of them in the matrimonial proceedings as a cheque purportedly issued by respondent No.2, require examination to ascertain whether deception was practised and whether the same resulted in the inducement contemplated under Section 415.

20. The investigating agency would have to ascertain the circumstances in which the cheque book was received, whether any representation or concealment was made, and whether respondent No.2 was thereby induced to part with or permit the retention of the property or to do or omit an act causing or likely to cause the harm contemplated by the provision. The allegation concerning the removal and subsequent use of the cheque leaf cannot be examined in isolation from the circumstances in

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which the cheque book was received and handed over. The precise nature of the alleged deception and the resulting inducement are matters requiring investigation.

21. Section 420 of the IPC prescribes punishment for cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security. Apart from the ingredients of cheating under Section 415, the provision requires the dishonest or fraudulent inducement to result in delivery of property or the making, alteration or destruction of a valuable security as contemplated by the section.

22. The cheque in question is stated to have been drawn on the bank account of respondent No.2 in favour of Devika for Rs.4,50,000/- and was produced by petitioner No.1 in the matrimonial proceedings as evidence of the alleged payment. The complaint alleges that the cheque leaf was removed from the cheque book of respondent No.2 without her knowledge and subsequently used by petitioner No.1. The manner in which the cheque was prepared, whether it was signed by respondent No.2, whether its particulars were filled in by another person,

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whether it was issued with her authority and whether any property was delivered or a valuable security was made or altered by reason of deception are matters requiring investigation.

23. The investigating agency must ascertain the nature of the alleged deception, the person who practised it, the circumstances in which the cheque was prepared and whether the conduct resulted in the delivery of property or the making, alteration or destruction of a valuable security as contemplated by Section 420. The petitioners' explanation that the cheque book was handed over to respondent No.2 does not, by itself, resolve these questions. It would be premature to terminate the proceedings before the relevant circumstances have been investigated.

24. Section 423 of the IPC deals with the dishonest or fraudulent execution of a deed of transfer containing a false statement of consideration or a false statement as to the person for whose use or benefit the transfer is really intended. The provision requires the execution of a deed of transfer or an instrument of the nature contemplated therein, containing the specified false statement and accompanied by dishonest or fraudulent intention.

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25. In the present case, the allegation concerns the alleged removal and use of a cheque leaf belonging to respondent No.2. The investigating agency must ascertain the nature of the instrument, the manner in which it was prepared and whether the transaction alleged falls within the specific description contemplated by Section 423. The mere production of the cheque in the matrimonial proceedings would not, by itself, establish the ingredients of this provision. However, the petitioners' request to terminate the entire proceedings at the investigation stage cannot be accepted merely on the basis of their explanation concerning the cheque book. The investigating agency shall examine the applicability of the provision with reference to its specific statutory ingredients and the material collected, and shall not treat the mere use of the cheque as sufficient to establish an offence under Section 423.

26. Section 464 of the IPC defines the making of a false document. The provision contemplates the making or execution of a document with the intention of causing it to be believed that it was made, signed or executed by, or by the authority of, a person by whom or by whose authority it was not made, signed or executed. It also covers dishonest or fraudulent

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material alteration of a document without lawful authority and the procuring of a document to be signed or executed by a person who, by reason of unsoundness of mind, intoxication or deception, does not know its contents or nature.

27. In the present case, the allegation is that a cheque leaf belonging to respondent No.2 was removed from her cheque book and subsequently used by petitioner No.1 as a cheque issued by respondent No.2 in favour of Devika. The investigation would have to ascertain who signed the cheque, who filled in the particulars, whether the cheque was prepared with the authority of respondent No.2, whether any material alteration was made and whether the document was made to appear as having been executed by respondent No.2 when it had not been so executed.

28. The original cheque, the cheque book, the relevant bank records and the circumstances in which the cheque came into the possession of petitioner No.1 would be material for this purpose. The mere production of a cheque in a judicial proceeding does not, by itself, amount to making a false document. However, the allegation concerning the unauthorised

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removal and subsequent preparation or use of the cheque requires investigation to ascertain whether any of the acts contemplated under Section 464 have occurred. The petitioners' contention that the cheque was not forged or fabricated cannot be accepted as an established fact before the relevant material is collected and examined.

29. Learned counsel for the petitioners relies upon the discrepancy between the cheque number mentioned in the earlier police complaint dated 29.10.2022 and the cheque number produced in M.C.No.100/2021. It is contended that the earlier complaint refers to cheque No.628189, whereas the cheque produced in the matrimonial proceedings bears No.629189. The discrepancy is relied upon to contend that the complaint is false.

30. The discrepancy is a relevant circumstance which requires examination. The original police complaint, the private complaint, the cheque produced in the matrimonial proceedings, the cheque book and the bank records would have to be compared to ascertain whether the difference is a typographical error, an incorrect reference or an inconsistency affecting the substance of the complaint. The

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investigating agency would be required to verify the cheque number and the sequence of the cheque leaves from the bank records and the relevant cheque book. It would be premature to treat the discrepancy as conclusive proof of falsity without such examination. Equally, the discrepancy cannot be disregarded as immaterial without verification.

31. The allegation made by petitioner No.1 in the statement of objections filed in M.C.No.100/2021, that respondent No.2 and Devika had conspired to cause his death and that the cheque represented payment towards the alleged supari, is also serious in nature. However, the truth or otherwise of that allegation is not the subject matter of the present complaint. The allegation made by petitioner No.1 in the matrimonial proceedings may be relevant to understanding the circumstances in which the cheque was produced, but it cannot be treated as proof of the alleged conspiracy.

32. The investigating agency in the present matter is required to examine the allegations concerning the alleged removal and use of the cheque leaf. There being a serious allegation concerning the alleged conspiracy to cause his death, the investigation

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agency would also have to investigate these allegations made in the objections filed in the matrimonial proceedings by the petitioner No.1.

33. At the stage of investigation, the Court is not required to determine whether the prosecution will ultimately be able to establish every ingredient of the offences alleged. The Court is required to examine whether the allegations, taken at their face value, disclose a prima facie basis for investigation and whether the proceedings are manifestly untenable in law. Where the allegations concern the receipt and custody of a cheque book, the alleged removal of cheque leaves, the subsequent possession and use of one such cheque by petitioner No.1, and the disputed circumstances in which the cheque was prepared, the relevant facts require investigation.

34. The petitioners' explanation concerning the receipt and handing over of the cheque book, as well as the discrepancy in the cheque number, are matters which can be placed before the investigating agency and considered on the basis of the material collected. The investigating agency shall independently examine the ingredients of each provision invoked. In particular, the requirements of entrustment under

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Section 405, deception and inducement under Sections 415 and 420, the nature of the instrument under Section 423, and the making of a false document under Section 464 must be examined independently. The mere invocation of these provisions cannot substitute for their statutory ingredients.

35. The fact that the parties are involved in matrimonial litigation does not, by itself, render the criminal complaint an abuse of process. Equally, the filing of the complaint by respondent No.2 cannot be treated as proof of the allegations. The question at this stage is whether the allegations concerning the cheque book and the subsequent use of the cheque disclose circumstances warranting investigation. In view of the admitted production of the cheque by petitioner No.1, the allegation regarding the removal of cheque leaves and the disputed circumstances in which the cheque was prepared and used, this Court is not inclined to interdict the investigation at its threshold.

36. The petitioners are at liberty to place all relevant documents and their explanation before the investigating agency, including the discrepancy in the cheque number, the circumstances in which the

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cheque book was received and handed over, and the circumstances in which the cheque was produced in the matrimonial proceedings. Nothing stated herein shall be construed as a finding on the guilt or innocence of the petitioners.

37. For the foregoing reasons, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of the Code of Criminal Procedure to quash the proceedings in PCR No.133/2022 at the stage of investigation. The petition is accordingly liable to be dismissed. This court passes the following:

ORDER

i) The criminal petition is **dismissed.**

ii) The investigating agency shall proceed in accordance with law and independently examine the allegations and the ingredients of each offence invoked, without being influenced by the observations made in this order.

iii) The petitioners are at liberty to place all relevant documents and their explanation, including the discrepancy in the cheque number and the

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circumstances in which the cheque book was received and handed over, before the investigating agency.

iv) It is made clear that the observations made herein are confined to the consideration of the prayer for quashing and shall not influence the investigating agency or the competent Court in arriving at its independent conclusion in accordance with law.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 23