HC-KAR

NC: 2026:KHC:59616
CRL.P No. 6612 of 2025

CNR: KAHC010300442025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 6612 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

SHRUTASENA
S/O D.S.YADAVA
NOW AGED ABOUT 25 YEARS,
RESIDENT OF DURGADAHALLI,
SUNKASALE POST, MUDIGERE,
CHIKKAMAGALURU DISTRICT-577121

...PETITIONER

(BY SRI. K A CHANDRASHEKARA.,ADVOCATE)

AND:

C N DHARANISH
S/O C.S.NARASIMHAIAH
NOW AGED ABOUT 50 YEARS
RESIDENT AT NO.70, C-1 FLAT,
2ND MAIN, DOLLARS COLONY,
J.P.NAGAR 4TH PHASE,
BENGALURU-560078

...RESPONDENT

(BY SRI. NATESHAN MURTHY.,ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO CALL FOR RECORDS AND QUASH THE ENTIRE PROCEEDINGS IN CC NO.16506/2024 ON THE FILE OF THE LEARNED 30TH ADDL.CHIEF METROPOLITAN MAGISTRATE BENGALURU FOR THE OFFENCE P/U/S 500 IPC, IN SO FAR AS THE PETITIONER HERE IS CONCERNED.

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30/10/2026, 17:09, Bengaluru)
Verified

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 Petitioner is before this Court seeking for the following reliefs:

> *a. Call for records and quash the entire proceedings in CC No.16506/2024 on the file of the learned 30th Addl.Chief Metropolitan Magistrate Bengaluru for the offence p/u/s 500 IPC, in so far as the petitioner here is concerned.*

2. A private complaint has been filed by respondent in PCR No. 769/2024 under Section 500 of the IPC. The learned Magistrate took cognizance on 11.01.2024. Sworn statement was recorded on 02.03.2024. His submission is that the other accused having approached this Court on the very same ground that a sown statement was recorded subsequent to the cognizance having been taken, the Coordinate Bench of this Court by the order dated 04.06.2026 in **P.O.Shivakumar -v- C.N.Dharanish** [Criminal Petition No. 4949 of 2026] allowed the petition and

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remanded the matter for reconsideration afresh. His submission is that the said order would be equally applicable to the present matter.

3. Learned counsel for the respondent submits that in order to rectify the procedural infirmity, the matter could be remitted to the learned Magistrate as per the direction issued in Criminal Petition No. 4949 of 2026.

4. Heard Sri.K.A.Chandrashekara, learned counsel for the petitioner and Sri.Nateshan Murthy, learned counsel for the respondent. Perused papers.

5. A perusal of the papers would indicates that the swollen statement was recorded subsequent to the cognizance being taken by the learned Magistrate. It is trite law that a sworn statement has to precede the order of cognizance, as held by the coordinate

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Bench of this Court in **P.O.Shivakumar's** case (supra). In that view of the matter, this Court passes the following:

ORDER

i. The Petition is allowed.

ii. The impugned order dated 11.01.2024 and 17.05.2024 passed by the 30th Additional Chief Metropolitan Magistrate, Bengaluru, in CC No. 16506/2024, having already been set aside in respect of those petitioners, is set aside in respect of the present petitioner also.

iii. The matter is remitted to the trial Court for reconsideration afresh, in accordance with law.

iv. Respondent shall appear before the trial Court without requirement of any notice on 16.11.2026.

v. The trial court shall record the sworn statement of the respondent and consider the statement of witnesses, if any, and document produced by

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him and proceed further in accordance with law.

vi. Pending IA stands disposed.

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(SURAJ GOVINDARAJ)
JUDGE

PRS,LN
List No.: 1 Sl No.: 9