HC-KAR
NC: 2026:KHC:64773
CRL.P No. 6285 of 2022
CNR: KAHC010306702022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 6285 OF 2022 (482(Cr.PC) / 528(BNSS))

BETWEEN:

RAMAKRISHNA
S/O. MUNIVENKATAPPA,
AGED ABOUT 40 YEARS,
R/AT NO. 66, 3RD CROSS,
RAJARAJESHWARI NAGARA,
DOMBRAHALLI,
LAKSHMIPURA POST,
DASANAPURA HOBLI,
BENGALURU-562 123.

…PETITIONER

(BY SRI. JAYASIMHA K P., ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   BY IT'S THE POLICE INSPECTOR,
   YELAHANKA POLICE STATION,
   BENGALURU-560 064.

2. THE MANAGING DIRECTOR
   M/S R&M INDIA PRIVATE LIMITED
   NO.4, 12TH KM BALLARY ROAD,
   OPP. GOVT. FLYING TRAINING SCHOOL,
   BENGALURU-560 064.

…RESPONDENTS

(BY SRI. SUHAS GOWDA .M, HCGP FOR R1,
SMT. VEENA J. KAMATH, ADVOCATE FOR R2)

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THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE CHARGE SHEET IN C.C.NO.4755/2020 FOR THE ALLEGED OFFENCE P/U/S 408,465,468,420,477(A),120B R/W 34 OF IPC IT IS PENDING BEFORE THE IV A.C.M.M. COURT AT BENGALURU IN THE ABOVE CASE.

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 the learned counsel for the petitioner and learned counsel for respondents.

2. This petition is filed by the petitioner-accused No.2, in C.C. No.4755/2020, who is the brother of accused No.1. An accusation is made in the charge sheet that accused No.1, who being an employee of the complainant, indulged in committing the offence of breach of trust. A specific accusation is made in the charge sheet that he had swindled the amount of company to the tune of Rs.1,66,91,655/-. During investigation, the statement of the witnesses was recorded and also the voluntary statement of accused No.1 was recorded, wherein he has stated that he made the payment of Rs.8,00,000/- to his brother i.e., accused No.2. But, in the charge sheet, an accusation is made that an amount of Rs.66,02,353/- was

transferred to the account of this petitioner. From HDFC Bank account No.5020002629902 to Axis Bank account No.919020037471348, an amount of Rs.43,93,521/- is transferred and also it is stated that when the said issue was brought to the notice of this petitioner, he had issued two cheques to the tune of Rs.25,00,000/- each and hence, accusation is made against this petitioner that he was also a conspirator and invoked of Section 120B read with Section 34 of IPC stating that both were indulged in criminal conspiracy and caused the loss to the bank.

3. Learned counsel appearing for the petitioner, in his arguments, would vehemently contend that this petitioner only called upon when the breach of trust was made by the complainant, and he had issued two cheques, but no payment was made to the petitioner by the accused No.1. Only the petitioner himself tried to settle the matter and it is settled as per the terms of the complainant. But, the complainant violated the terms and conditions of the settlement due to greediness of the complainant-company. When such being the case and when there is no specific accusation against this

petitioner, there cannot be any criminal prosecution. The learned counsel would further contend that the allegation made against this petitioner is nothing but an imaginary and baseless and no document is produced for having transferred the amount to the account of this petitioner. Hence, it requires interference of this Court.

4. Per contra, learned counsel appearing to the respondent No.2-complainant would vehemently contend that a specific accusation is made in the complaint dated 26.12.2019 against the petitioner. It is contended that, during the course of investigation, it was found that a fraudulent transactions were made and amount was also transferred to the account of petitioner-accused No.2, who happens to be the brother of accused No.1. A specific accusation is made with regard to the conspiracy between both of them and the police have also investigated the matter and collected the material. The learned counsel would further contend that even accused No.1 himself has admitted with regard to the transfer of money to the account of accused No.2 i.e. the petitioner herein and hence, it

is a matter of trial and at this stage, this Court cannot quash the proceedings.

5. Learned counsel appearing for the respondent-State reiterates the argument of the learned counsel appearing for the complainant.

6. Having heard the learned counsel appearing for the petitioner, a specific accusation is made against accused No.1 that he was appointed on 12.09.2016 and he was working in the finance department of the complainant. During the course of audit on 09.12.2019, it came to light that accused No.1 transferred the amount of the company in HDFC bank to the account of the petitioner through online. Instead of transferring the amount to the sellers, the amount was transferred to the account of the petitioner to the tune of Rs.95,00,000/-. When enquiry was conducted on 11.12.2019 and when accused No.1 came to the office, in the presence of CW1 to 5, he had admitted the guilt of transferring the amount. Immediately, the petitioner-accused No.2 was called upon, and accused No.1 repaid the amount to the tune of Rs.45,00,000/-

into the HDFC account. In respect of the remaining amount, accused No.2 i.e. the present petitioner gave the two cheques in presence of CW1 to 5. When internal audit was conducted, it disclosed that number of amounts were transferred and in total, to the tune of Rs.1,66,91,655/- was transferred to the account of accused No.2 and the same substantiates the allegations made against accused No.2. Even in the voluntary statement, accused No.1 made admission admitting that he made the payment to accused No.2 to the tune of Rs.8,00,000/-. When such materials are available before the court and also the accusation against this petitioner that he had indulged along with accused No.1 in getting the amount from the account of the company, how much money was transferred to the account of accused No.2, is a matter of trial and at this stage, this Court cannot segregate the issue.

7. No doubt, the principal allegation against accused No.1 is invoking Section 408 of IPC for criminal breach of trust, Section 420 of IPC for cheating, Section 468 and 465 i.e. creation of document and making use of the said document and transferring the amount. However, the only offence invoked

against the present petitioner i.e. accused No.2 is Section 120B of IPC i.e. criminal conspiracy alleging that he transferred the amount along with accused No.1 in obtaining the amount. When such being the case, at this stage, this Court cannot hold a mini trial in respect of the accusation made against this petitioner. Hence, it is not a fit case to exercise the power under Section 482 of Cr.P.C. and it is a matter of trial regarding involvement of this petitioner along with accused No.1.

8. Considering the fact that petitioner himself came back on noticing the breach of trust committed by accused No.1 and gave two cheques to the tune of Rs.25,00,000/- each, this Court cannot consider the grounds which have been urged by the petitioner and the said defences cannot be considered in a proceeding under Section 482 of Cr.P.C. The disputed facts also cannot be appreciated and the trial Court has to appreciate the same and hence, no ground is made out for interference.

9. In view of the discussions made above, I pass the following:

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ORDER

(i) The criminal petition is dismissed.

(ii) The trial Court is directed to dispose of the matter expeditiously.

Sd/-
(H.P.SANDESH)
JUDGE

CS
List No.: 1 Sl No.: 29