HC-KAR

NC: 2026:KHC:60560
CRL.P No. 5753 of 2024

CNR: KAHC010318342024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5753 OF 2024

BETWEEN:

1. MAHABOOB SHEIKH
   S/O AMEER SAB
   AGED ABOUT 65 YEARS
   R/AT 15-19, EAST END,
   C MAIN ROAD , 9TH BLOCK
   JAYANAGAR, BANGALORE 560 041

2. IMRAN SHEIK
   S/O MAHABOOB SHEIK
   AGED ABOUT 40 YEARS
   R/AT 15-19, EAST END
   C MAIN ROAD, 9TH BLOCK
   JAYANAGAR, BANGALORE 560 041

3. NEDA SEDAF
   W/O IMRAN SHEIKH
   AGED ABOUT 35 YEARS
   R/AT 15-19, EAST END
   C MAIN ROAD, 9TH BLOCK
   JAYANAGAR, BANGALORE-560 041

...PETITIONERS

(BY SRI. ALI MOHAMMED, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE BY WILSON GARDEN P S
   REP BY ITS STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA

BENGALURU-560 001
KARNATAKA

2. SHAKEEL AHMED
NO. G2, 8TH MAIN
BYRASANDRA 1ST BLOCK
JAYANAGAR
BANGALORE-560 041

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. SURESH S LOKRE, SENIOR COUNSEL FOR
SRI. SYED NASEERUDDIN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CR.NO.72/2024 FOR THE OFFENCE P/U/S 403, 405, 406, 420, 506 R/W 34 OF IPC PENDING BEFORE THE III ADDL.C.M.M., BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioners - accused Nos.1 to 3 in Crime No.72/2024 registered by Wilsongarden Police Station, for the offences punishable under Sections 403, 405, 406, 420, 506 r/w Section 34 of IPC, presently pending on the file of III Additional Chief Metropolitan Magistrate, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 01.04.2024 alleging that petitioner No.2-Imran Sheikh, being his friend, introduced petitioner Nos.1 and 3 to him in the year 2012 and advised him to invest money in real estate, electronics and gymnasium businesses. Believing the representation of petitioner No.2, respondent No.2 allegedly invested a sum of Rs.2,24,78,000/- with the petitioners through RTGS, NEFT and cash. It is further alleged that the petitioners paid Rs.20,29,990/- towards profit, but thereafter failed to pay the remaining profit or refund the principal amount despite repeated demands.

3. It is also alleged that the petitioners took the Audi EQ5 car belonging to respondent No.2 and failed to return the same despite repeated requests and, when demanded repayment of the money and return of the car, threatened him with dire consequence. Further, petitioner Nos.2 and 3 are alleged to have received another sum of Rs.70,00,000/- through a relative of respondent No.2 towards purchase of a site shown by petitioner No.2. Since the petitioners allegedly

failed to repay the amounts due and also threatened respondent No.2, he lodged the complaint against them.

4. On the strength of the said complaint, the respondent No.1-Police registered the FIR against the petitioners-accused in Crime No.72/2024 dated 01.04.2024 for the aforementioned offences. Aggrieved by the same, the petitioners preferred this petition.

5. Heard the learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned Senior Counsel for respondent No.2.

6. The primary contention of the learned counsel for the petitioners is that, on perusal of the complaint averments, the ingredients of Sections 403, 405, 406, 420 and 506 of IPC are not made out against the petitioners. He contended that there was neither any dishonest intention nor any inducement on the part of the petitioners to cheat respondent No.2. It is further contended that, as admitted by respondent No.2 himself, the petitioners have repaid a sum of Rs.20,29,990/- towards profit and have also made certain additional payments.

Therefore, the transaction is commercial in nature and the registration and continuation of criminal proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, he prays to allow the petition.

7. *Per contra,* learned Senior Counsel appearing for respondent No.2 opposed the prayer of the petitioners contending that the investigation is still at a nascent stage and the complaint discloses serious allegation of cheating involving a huge sum of Rs.2,94,78,000/-. He contended that the averments in the complaint *prima facie* disclose the ingredients of the offences alleged against the petitioners, which require thorough investigation by the Investigating Officer. It is further contended that, except registration of the FIR, no effective investigation could be conducted in view of the interim order passed in the present petition. Accordingly, he prays to dismiss the petition.

8. Learned HCGP also opposed the prayer of the petitioners on similar ground and accordingly, he prays to dismiss the petition.

9. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and also perused materials on record.

10. As could be gathered from the complaint averments, it is the specific case of respondent No.2 that he had paid a sum of Rs.2,24,78,000/- to the petitioners for business purposes through RTGS, NEFT and cash. The said transaction is not in dispute. It is also admitted that the petitioners had repaid a sum of Rs.20,29,990/- and other amounts to respondent No.2 towards profit from the business. Thus, the transaction between the petitioners and respondent No.2 is admitted by both parties and the complaint contains serious allegations of cheating and other offences against the petitioners, which require investigation.

11. Nevertheless, the matter is at nascent stage, and the investigation has not progressed beyond the preliminary steps taken immediately after registration of the case. The relevant evidence is yet to be collected upon a thorough investigation to place before the Court. At this stage, this Court cannot anticipate the outcome of the investigation or record a

finding on the allegation of false implication or malafide, merely on the basis of the defence raised by the petitioners. Therefore, the complaint cannot be thrown out at the threshold on the basis of an unsubstantiated defence. In the case on hand, the complaint and the material collected thus far *prima facie* disclose the commission of cognizable offence against the petitioners. Hence, at this stage, the FIR does not warrant interference by this Court.

12. Accordingly, the petition lacks merits and same is ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 13