HC-KAR
NC: 2026:KHC:61557
CRL.P No. 7453 of 2020
CNR: KAHC010381292020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 7453 OF 2020 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. SRI. G. A. MANSOOR ALAM KHAN
S/O. LATE ABDUL GAFFAR KHAN.G,
AGED ABOUT 73 YEARS,
R/AT NO. 25, HIG BANNIMANATAP,
MYSURU BANGALORE ROAD,
MYSURU-570 001.

2. SRI. KURSHID ANWAR
S/O. LATE JANAB ANWAR PASHA SAHIB,
AGED ABOUT 70 YEARS,
R/AT CHAMARAJANAGARA TOWN,
CHAMARAJANAGAR DISTRICT,
PIN-571 440.

...PETITIONERS

(BY SRI. LEELADHAR H P., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
BY DEVARAJ MOHALLA POLICE STATION,
MYSORE CITY,
MYSORE DISTRICT,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001.

2. SRI. ABDUL REHMAN
S/O. LATE ABDUL AFEEZ,
AGED ABOUT 61 YEARS,

CNR: KAHC010381292020

R/AT NO. 1410/2, 4TH CROSS,
SIR KAJI STREET, KABIR ROAD,
MANDI MOHALLA,
MYSORE-570 001.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI., ADDL.J SPP FOR R1,
SRI. A.G. SRIDHAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CR.NO.31/2019 REGISTERED BY THE FIRST RESPONDENT POLICE FOR THE OFFENCE P/U/S 403,406,471,464,420,120B R/W 34 OF IPC PENDING ON THE FILE OF THE IV ADDITIONAL SENIOR CIVIL JUDGE, MYSORE IN C.C.NO.262/2020 UNDER ANNEXURE-A AND ALLOW THE PETITION 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 learned counsel for the petitioner and also the counsel appearing for the respondent No.1/State and also the counsel appearing to the respondent No.2.

2. This petition is filed praying this court to quash the proceedings initiated against the petitioners in Crime No.31/2019 registered by the Devaraja Mohalla Police Station, Mysore City and also pending before IV Additional Senior civil Judge, Mysore in CC No.262/2020 for the offences punishable

under Sections 403, 406, 471, 464, 420, 120B read with section 34 of IPC. The record discloses that on the basis of the complaint, when the complaint was filed, matter was referred to, under Section 156(3) of CrPC and police investigated the matter and filed the B report. Thereafter the same was challenged and the process was issued.

3. Having perused the complaint, private complaint which is produced at Annexure - C, nowhere it is stated that the complainant had approached the police and police have refused to receive the complaint. Only in paragraph No. 14 made the statement that the effort of the complainant to lodge a complaint against the accused person proved futile, also it comes within the jurisdiction of Devaraja Police Station and nothing is pleaded. On what date they have approached the police and given any complaint and also even if any refusal of the complaint also, regarding compliance under Section 154 (1) and 154 (3) of Cr.P.C., also there is no any such pleading. When such being the case, in view of the judgment of the apex court in ***PRIYANKA SRIVASTAVA AND ANOTHER vs. STATE OF UTTAR PRADESH AND OTHERS*** reported in ***(2015) 6***

SCC 287 and the Apex Court categorically held that while filing a private complaint, court has to look into the material particularly whether it is supported by an affidavit. Even if affidavit is filed, whether there was a compliance under Section 151(3), 154(1) and 154(3) of Cr.P.C., and the very said principle laid down in the said judgment is in order to prevent the frivolous and vexatious and vindictive proceedings initiated, giving a criminal colour in respect of the civil dispute is concerned. When such being the case, on perusal of the very complaint it is found that there is foundational defect.

4. In PCR No.641/2015 later it is numbered as 42 of 2018 and when such being the case, when the same suffers from its fundamental defect, entertaining the private complaint without the compliance, it is nothing but an abuse of process and there cannot be any continuation of proceedings.

5. Learned counsel appearing for the petitioner brought to notice of this Court that there was a civil dispute between the parties and given criminal colour and the same cannot be considered, also in view of foundational defect found in the

complaint itself. Under the circumstances, I do not find any force in the contention of the counsel appearing for the respondent/complainant that he would verify the same whether such acknowledgement is given and when the same is not pleaded in the complaint, question of even producing such acknowledgment also doesn't arise, when the complaint itself suffers from major compliance of Section 154(1) and 154(3) of Cr.P.C. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

In view of the discussions, I proceed to pass the following,

This petition is ***allowed*** and the proceedings against the petitioners in Crime No.31/2019 registered by the Devaraja Mohalla Police Station, Mysore City and also pending before IV Additional Senior civil Judge, Mysore in CC No.262/2020, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

AKV
List No.: 1 Sl No.: 21