HC-KAR
NC: 2026:KHC:59865
CRL.P No. 8116 of 2020
CNR: KAHC010412312020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 8116 OF 2020 (482(Cr.PC) / 528(BNSS))

BETWEEN:

MR. V H RAJU
S/O HUCCHE GOWDA
AGED ABOUT 53 YEARS,
WORKING AS TEACHER,
GOVERNMENT HIGH SCHOOL,
BASKAL POST,
CHIKKAMAGALUR TALUK
AND DISTRICT-577 132.

...PETITIONER

(BY SRI. I.S PRAMOD CHANDRA., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ALDUR POLICE STATION,
CHIKKAMAGALUR DISTRICT,
REPRESENTED THROUGH THE
STATE PUBLIC PROSECUTORS,
HIGH COURT BUIDLING,
DR .AMBEDKAR VEEDHI,
BANGAORE-560 001.

2. MR.V.H.LOKAPPA GOWDA
S/O HUCCHE GOWDA
AGED ABOUT 60 YEARS,
R/AT VAJUVALLI VILAGE,
HAALSUMANE POST,
VASTARE HOBLI,
CHIKKAMAGALUR TALUK

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND DISTRICT-577 132.

…RESPONDENTS

(BY SRI.SUHAS GOWDA.M., HCGP FOR R1,
SRI. DEVARAJU .R., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS PENDING IN PCR.NO.756/2013 FOR THE OFFENCES P/U/S 447,379,323,506,177 OF IPC AND PENDING ON THE FILE OF THE LEARNED PRINCIPAL CIVIL JUDGE (Jr.Dn) AND JMFC, CHIKKAMAGLAURU.

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

2. The learned counsel appearing for the petitioner has vehemently contended that when 'B' report is filed, the trial Judge has not taken cognizance to proceed to record the sworn statement. The said contention of the petitioner cannot be accepted as the law is very clear that if the trial Judge proceeds to record the sworn statement, it amounts to taking of deemed cognizance. However, the learned counsel brought to notice of this Court that at the time of recording the statement of

witnesses, in one breath, the learned trial Judge says that no documents were marked. The learned counsel also brought to notice of this Court that while passing an order, the trial Judge made a reference that 17 documents were marked, but none of the documents were discussed. It is submitted that the evidence of PWs.1 to 3, who have been examined on behalf of the complainant, is also not referred. Except the allegations, nothing is found. Even the contents of the protest memo is not considered. The order is passed rejecting the 'B' report and accepting the sworn statement of complainant's witnesses and hence, the learned counsel contends that it is nothing but non application of judicious mind by the learned trial Judge.

3. However, the learned counsel appearing for respondents would vehemently contend that though there was a mistake on the part of the learned trial Judge in making a reference that no documents were marked, but in the in the operative portion of the order, a reference was made that 17 documents were marked and therefore, the learned trial Judge has applied his mind and hence, there cannot be any quashing

of the order and no detailed order is required to issue the summons.

4. Heaving heard the learned counsel appearing for the petitioner and the learned counsel for the respondents, admittedly, 'B' report is filed in the case. The learned trial Judge given an opportunity to file a protest memo and it was filed and the learned trial Judge proceeded to record the sworn statement and recorded the statement of complainant as well as two witnesses. But, on perusal of the order passed by the learned trial Judge, in one stage, it is stated that along with sworn statement, no documents were marked. But, while passing an order, a reference was made that 17 documents were marked and none of these documents were also referred. This Court directed to produce the documents marked earlier and those documents are produced by the petitioner himself by obtaining the certified copies and none of these documents were referred in the order of the learned trial Judge. Even, the evidence of PWs.1 to 3 is not discussed in the order and therefore, it requires application of judicious mind.

5. No doubt, law is settled that no need to pass a detailed order. However the learned trial Judge has to take note of 'B' report as well as the protest memo and the sworn statement and then, should come to the conclusion that whether it is a case for issuance of summons.

6. This Court in the judgment in the case of ***Amit Bansal Vs. State of Karnataka and Another*** (Criminal Petition No.2397 of 2020 dated 01.10.2026) has discussed in detail the scope of Section 200 and Section 156(3) of Cr.P.C. and also the filing of 'B' report and so also discussed the duty of the learned trial Judge to take note of Section 200 as well as 203 and 204 of Cr.P.C. This Court in the case of *Amit Bansal,* cited supra, by relying upon the judgments of the Apex Court in several cases, issued guidelines as to when 'B' report is filed and what is to be done by the learned trial Judge. However, the same is not found in the impugned order passed by the learned trial Judge.

7. Therefore, keeping in view the Judgment of this Court passed in *Amit Bansal,* cited supra, and also since the learned

trial Judge committed an error in not considering the relevant materials while issuing the summons, the matter requires to be considered afresh and the learned trial Judge has to apply his judicious mind and to consider the reasons given for filing 'B' report. The learned trial Judge is also directed to simultaneously consider 'B' report as well as the sworn statement and the documents which have been produced before the trial court and proceed against the accused persons by passing an order applying Judicial mind.

8. In view of the above discussions, I pass the following order:

(i) The criminal petition is allowed.

(ii) The order passed by the learned trial Judge dated 12.07.2011 issuing process against the petitioner, is set aside.

(iii) The matter is remitted back to the learned trial Judge to consider afresh, in the light of the principles laid down in the Judgment in Criminal Petition No.2397 of 2020 dated 01.10.2026 and consider simultaneously 'B' report as well as the sworn statement and the documents produced before it and

consider the matter afresh within a time bound period of three months from the date of receipt of copy of this order.

(iv) The learned counsel for the complainant is directed to place forthwith the order and this Court to enable the learned trial Judge to dispose of the matter within three months as stipulated.

Sd/-
(H.P.SANDESH)
JUDGE

CS
List No.: 1 Sl No.: 11