HC-KAR

NC: 2026:KHC:59824
CRL.P No. 9425 of 2025

CNR: KAHC010441712025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 9425 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

G K RAJAGOPAL NAIDU
C/O. KRISHNAMA NAIDU,
AGED ABOUT 44 YEARS,
NO. 88, FERNS MEADOWS,
BILESHIVALE, BANGALORE NORTH,
DR. SHIVARAMA KARANTH NAGAR,
BANGALORE-560 077.

...PETITIONER

(BY SRI. K V LOKESH., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY ANNAPOORNESHWARI NAGAR POLICE,
   REPRESENTED BY ITS
   STATE PUBLIC PROSECUTOR,
   BANGALORE-560 001.

2. MR. SARATHCHANDRA SHETTY
   S/O. MAHABALA SHETTY,
   AGED ABOUT 46 YEARS
   NO. 33, 2ND FLOOR,
   SAI PLAZA, 13TH CROSS,
   MALGALA RING ROAD,
   NAGARBHAVI 2ND STAGE,
   BANGALORE CITY-560 091.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
R2-SERVED)

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

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE FIR REGISTERED BY ANNAPOORNESHWARI P.S. IN CR.NO.143/2024 ON 27.03.2024, FOR THE OFFENCES P/U/S 406,420,34 OF IPC, PENDING BEFORE 4th ACJM, BANGALORE, AGAINST THE PETITIONER.

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. *Quash the FIR registered by Annapoorneshwari P.S. in Cr.No.143/2024 on 27.03.2024, for the offences p/u/s 406,420,34 of IPC, pending before 4th ACJM, Bangalore, against the petitioner.*

   b. *Any other reliefs which this Hon'ble court deems fit.*

2. A complaint was filed by Respondent No.2 on 27.03.2024 alleging that Respondent No.2 is a contractor engaged in installation of fire safety equipment etc., allegations were made against four entities that those entities had got fire safety equipment installed at their respective premises, after which the amounts were not paid, and it is in that background that it is alleged that criminal offences have been committed by them requiring action to be taken. Pursuant thereto, an FIR in Crime No.143 of 2024 came to be registered by

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Annapoorneshwari Nagar Police Station for offences under Sections 406, 420 and 34 of the IPC. It is challenging the same that the petitioner before this Court seeking for the aforesaid reliefs.

3. Sri.Lokesh.K.V., learned counsel for the petitioner, would submit that;

3.1. there is no criminal offence which can be said to be made out on a reading and/or even an examination of the complaint inasmuch as the allegations made in March 2024 is that in the year 2018, the four entities therein had got the fire safety equipment installed and did not make payment of monies.

3.2. Apart therefrom, there being no other allegation, he submits that the ingredients of Section 406 and 420 of the IPC are not complied with. He relies upon the decision of the Hon'ble Apex Court in ***Delhi Race Club (1940) Ltd. v. State of Uttar Pradesh***, to submit that the offences under Section 406 and 420 cannot stand together and on that ground also he submits that the above petition is required to be allowed.

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4. Respondent No.2 though served are chosen to be unrepresented.

5. Heard Sri.Lokesh.K.V., learned counsel for the petitioner and Sri.Ranjith Kumar.N., learned HCGP for respondent No.1. Perused papers.

6. A perusal of the complaint only indicates that on 03.03.2018, the four entities named therein, the petitioner being a director of the fourth entity in the said complaint, had got fire safety equipment installed and the various amounts required to be paid on such installation had not been paid. Even according to the complaint, the allegations are related to the installation of fire safety equipment in the year 2018 and the complaint was filed in March 2024.

7. Be that as it may, the allegation is only as regards non-payment and not as regards any criminal element which satisfies the requirement of either Section 406 or 420 of the IPC. In that view of the matter, no criminal offence having been made out. This Court passes the following;

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ORDER

i. Criminal petition is ***allowed***

ii. The FIR registered by Annapoorneshwari P.S. in Cr.No.143/2024 on 27.03.2024 pending before 4th ACJM, Bangalore, against the petitioner is quashed.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 35