HC-KAR
NC: 2026:KHC:61976
CRL.P No. 10162 of 2022
CNR: KAHC010459392022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.10162 OF 2022

BETWEEN:

1. MANJUNATHA B.S.
   S/O LATE SOMAPPA
   AGED ABOUT 44 YEAWRS
   R/O B.M. ROAD
   KALAMMA COLONY
   KUSHALNAGAR
   KODAGU-571234.

…PETITIONER

(BY SRI. HARIPRASAD M.B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY KUSHALNAGAR TOWN P.S
   REPRESENTED BY SPP
   HIGH COURT BUILDING
   BANGALORE-01.

2. BASAVARAJU K. S/O LATE MALLESHAPPA
   AGED ABOUT 60 YEARS
   R/O 3RD BLOCK, KARIYAPPA LAYOUT
   KUSHALNAGAR TOWN
   KUSHALNAGAR HOBLI
   SOMVARAPETTI TALUK
   KODAGU-571234.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SMT. ARCHANA K.M., ADVOCATE FOR R2)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010459392022

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH ALL FURTHER PROCEEDINGS IN PCR.NO.03/2021 ON THE FILE OF KUSHAL NAGAR TOWN P.S., NOW REGISTERED AS C.C.NO.702/2021, FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 34, 417, 420 OF IPC AND SECTION 9 OF KARNATAKA PROTECTION OF INTEREST OF DEPOSITORS IN FINANCIAL ESTABLISHMENT ACT, PENDING BEFORE THE LEARNED CIVIL JUDGE AND J.M.F.C COURT, KUSHAL NAGAR.

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 petitioner, the learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed praying this Court to quash the proceedings initiated against the petitioner in C.C.No.702/2021 based on P.C.R.No.3/2021, wherein specific allegations are made against the petitioner that he was running chit business without obtaining any permission from 04.01.2019 and in respect of the chit for an amount of Rs.10,00,000/-, he pretended that he had obtained permission from the concerned department, but no such document is produced and even the

son of the complainant has also joined along with his father in the said chit and in total, he had collected money in respect of 5 chit are concerned and there were total 20 members in the said chit, who are the subscribers and in all, an amount of Rs.22,32,900/- was paid and inspite of receiving the said amount, when demanded to pay the amount of Rs.9,92,900/-, the same was not paid and thereafter, he was not even receiving the phone call and with an intention to cheat, he had collected the money and case was investigated by the police and specific accusation is made against the petitioner that he did not repay the amount to the tune of Rs.13,20,200/-. Hence, invoked the offence under Sections 417 and 420 of IPC and other offences were not invoked while filing the charge sheet.

3. The counsel appearing for the petitioner would vehemently contend that this complaint is filed only with an intention to harass the petitioner and it was only a civil transaction between both of them and if any non-payment of amount also, ought to have invoked civil jurisdiction and not criminal jurisdiction and criminal colour is given to a private

transaction. The counsel also vehemently contend that it is nothing but an abuse of process.

4. Per contra, learned counsel appearing for respondent No.2 would submit that allegations made in the complaint is very specific that having accepted the money, he did not repay money and even in the complaint, it is alleged that Rs.22,32,900/- was collected, but the same was not repaid. But during the course of investigation, the said amount was reduced to the tune of Rs.13,20,200/-. Though learned counsel for petitioner contend that judgment of the Apex Court in **PRIYANKA SRIVASTAVA AND ANOTHER vs. STATE OF UTTAR PRADESH AND OTHERS** reported in (2015) 6 SCC 287 is not complied with and invoked Section 156(3) of Cr.P.C. and there is no such compliance. But, counsel appearing for respondent No.2-complainant brought to notice of this Court that the Magistrate while passing an order taken note that on perusal of the private complaint, it is noticed that the aforesaid case needs to be further investigated by the police, since the complainant has complied with the directions issued by the Apex Court in ***Priyanka Srivastavas's*** case.

5. Having considered the material on record and when the complaint is in compliance of the judgment of Apex Court in ***Priyanka Srivastavas's*** case and specific accusation is made in the complaint in paragraph Nos.3 to 9 and also statement of witnesses is also very clear for having received the money and did not repay the same and it is a matter of trial. Hence, I do not find any grounds to exercise the power under Section 482 of Cr.P.C.

6. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed***

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 50