HC-KAR
NC: 2026:KHC:63488
CRL.P No. 10458 of 2026
CNR: KAHC010482272026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 10458 OF 2026

BETWEEN:

1. SRI. D.B. RAJENDRA KUMAR
S/O BASAVARAJU D.G
AGED ABOUT 72 YEARS
R/AT NO 314, 3RD CROSS
RAMAKRISHNA HEGDE NAGAR
BANGALORE-560 077.

2. SMT. HIMATHA KUMARI D.P.,
W/O D.B. RAJENDRA KUMAR D.B.
AGED ABOUT 61 YEARS
R/AT NO 314, 3RD CROSS
R.K. HEGDE NAGAR
DR. SHIVARAMA KARANTH NAGAR
BANGALORE-560 077.

Digitally signed by PRAMILA G V
Location: HIGH COURT OF KARNATAKA

3. SMT D.R. ASHWINI
W/O D.S SUDHEER
AGED ABOUT 41 YEARS
RESIDENTS AT
DEVALAPURA VILLAGE,
NAGAMANGALA TALUK
MANDYA DISTRICT - 571 445.

4. SRI. SUDHEER D.S
S/O SADASHIVA MURTHY
AGED ABOUT 56 YEARS
R/AT DEVALAPURA VILLAGE,

NAGAMANGALA TALUK
MANDYA DISTRICT - 571 445.

…PETITIONERS

(BY SRI. G CHANDRASHEKHARAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
KOTTANUR POLICE STATION
BANGALORE-560 077
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. SMT CHITHRA K.M
W/O LATE AVINASH D R
AGED ABOUT 36 YEARS
R/AT NO.314, 3RD CROSS,
R.K.HEGDE NAGAR,
BENGALURU - 560 077.

…RESPONDENTS

(BY SRI. NAGHARISH G.S., HCGP FOR R1;
SMT. JANAVI R., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC.NO.56226/2021 PENDING ON THE FILE OF THE XXIX ADDL. CMM BANGALORE CITY MAYOHALL BANGALORE VIDE ANNECURE-A.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the learned counsel appearing for the petitioners, the learned HCGP for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed to quash the proceedings in C.C.No.56226/2021 arising from Crime No.135/2021 registered before Kothanur Police.

3. The matter was originally pending before the XI Additional Chief Metropolitan Magistrate, Mayohall, Bengaluru and now it is said to be pending before the XXIX Additional Chief Metropolitan Magistrate, Mayohall, Bengaluru.

4. The offences alleged are under Sections 498A, 420, 384, 504 read with Section 34 of Indian Penal Code ('IPC').

5. Learned counsel appearing for the petitioners would submit that the petitioners are the in-laws of the

respondent No.2. The husband of respondent No.2 and the son of the petitioners 1 and 2 died in the year 2021. Till his death there was no dispute in the family.

6. After the demise of the husband of respondent No.2, the petitioner No.1 made a claim relating to the insurance amount in respect of the policy subscribed by the son of the petitioner No.1, to which the petitioner No.1 was a nominee. That resulted in a dispute and the complaint is filed.

7. Learned counsel for petitioners would submit that the petitioner No.1 has paid the entire insurance amount to the respondent No.2. In addition, in a suit filed by the respondent No.2 claiming share, petitioner No.1 has parted portion of his self-acquired property and the share is allotted to respondent No.2 and the suit is settled.

8. One of the conditions imposed in the settlement is that the respondent No.2 has to withdraw the case in C.C. No.56226/2021. However, the respondent No.2 has not come forward to withdraw the case. As such, the present petition is filed.

9. Learned counsel for petitioners would submit that the continuation of the proceedings in C.C.No.56226/2021, despite the settlement in the aforementioned civil case, is nothing but abuse of the process of the Court. Thus would urge that the petition has to be allowed.

10. Learned HCGP would submit that one of the conditions imposed in the settlement would indicate that the petitioners has to return the movables to the complainant/respondent No.2 and same is not yet returned.

11. Learned counsel for respondent No.2 would submit that in terms of the conditions imposed in the

decree in O.S.No.4467/2021 passed by the City Civil Court, Bengaluru, the defendants have to return all the articles, movables and vehicle belonging to late Avinash and submit a copy of the list of movables before the Court. It is submitted that list of movables are not furnished and the movables are not handed over.

12. The complainant believed that the petitioners/defendants would return all the goods. However, the goods are not returned. As such, respondent No.2 is entitled to prosecute the matter.

13. Learned counsel for petitioners by way of reply would submit that the vehicle standing in the name of late Avinash have been taken by the complainant and registration certificate is also transferred in the name of the complainant.

14. It is also submitted by the learned counsel for the petitioners that the petitioners had lodged a

complaint against the complainant for having taken all the belongings in the house of the petitioners.

15. It is further submitted that later the complaint is withdrawn because of the settlement.

16. Learned counsel for complainant does not dispute that the vehicles are handed over to the complainant and the registration certificates of the vehicles are in the name of the complainant. However, the contention of the petitioners that all the other movables have been taken by the complainant is disputed by the learned counsel for respondent No.2.

17. The Court has considered the contentions raised at the bar and perused the records.

18. There is no dispute that the vehicles belonging to late Avinash, the husband of the complainant have been transferred in the name of the complainant. There is no dispute that a portion of the property

belonging to the petitioner No.1 is transferred in the name of son of the complainant. However, there is a dispute as to whether all the movables have been given to the complainant or not, in compliance with clause No.5 of the compromise decree.

19. For any reason in case all the movables are not yet returned, it is for the complainant to execute the decree in the manner known to law. However, clause No.6 of the said decree mandates that the plaintiff No.2/complainant has to withdraw the case in C.C.No.56226/2021.

20. That being the position, the Court is of the view that the petition has to be allowed as the continuation of the proceedings would be abuse of the process of the Court and contrary to the decree passed by the trial Court.

21. Accordingly, petition is ***allowed***. Proceedings against the petitioners in C.C.No.56226/2021 arising out of Crime No.135/2021 is quashed.

22. This order does not come in the way of complainant executing the decree for recovery of the movables which the defendants are liable to hand over in terms of clause No.5 of the said decree.

23. The Court has not expressed anything on the rival contention as to whether the movables are returned or not.

24. All contentions kept open to be decided in the execution proceedings, in case initiated.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

SBN
List No.: 2 Sl No.: 21
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