HC-KAR

NC: 2026:KHC:60692
CRL.P No. 11669 of 2025

CNR: KAHC010528062025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 11669 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. LAKSHMAMMA
   W/O NAGARAJAPPA,
   AGED ABOUT 45 YEARS,
   R/AT BENGANUR, DESHIHALLI
   BANGARPET, KOLAR 563 162

2. PERUMAL V
   S/O VENKATARAMANAPPA,
   AGED ABOUT 55 YEARS,
   R/AT BENGANOOR FARM, HOUSE,
   SOREGOWDANAKOTE
   KOLAR 563 162

3. HOSOORU MANJU @ MANJUNATH
   S/O NARASIMHAPPA
   AGED ABOUT 51 YEARS,
   R/AT NO. 44/26, MUTHURAYAA JEEBI
   HOSURU, DHARMAPURI KRISHNAGIRI DISTRICT
   TAMIL NADU 635 109

...PETITIONERS

(BY SRI. K. ELANGOVAN., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   CCB, BENGALURU
   REPRESENTED BY STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BENGALURU 01

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2. SMT. GEETHA H
W/O LATE K SRINIVASAN
AGED ABOUT 53 YEARS,
R/AT NO. 40 SAI DRUVGREEN GARDEN LAYOUT,
1ST MAIN NRI LAYOUT,
RAMURTHYNAGAR
BENGALURU 560043

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AS ANNEXURE-A IN CC NO.36830/2021 WITH CRIME NO.79/2020 REGISTERED AT RAMAMURTHY NAGAR POLICE STATION FOR OFFENCES P/U/S 406, 420, 504, 506, 120B, R/W 34 OF IPC AND U/S 3 KARNATAKA PREVENTION AND ERADICATION OF INHUMAN EVIL PRACTICES AND BLACK MAGIC BILL 2017 IN THE CHARGE SHEET WHEREIN THE PETITIONERS HAVE BEEN ARRAYED AS ACCUSED NO.2, 3 AND 5 PENDING BEFORE THE HONBLE 1ST ACJM, BENGALURU.

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. Notice to respondent No.2 has been dispensed with, in view of the proposed order to be passed.

2. The petitioners are before this Court seeking for the following reliefs:

   a. Quash the entire proceedings as Annexure-A in CC No.36830/2021 with Crime No.79/2020 registered at Ramamurthy Nagar Police Station for offences p/u/s 406, 420, 504, 506, 120b, r/w 34 of IPC and u/s 3 karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill 2017 in the charge sheet wherein the petitioners have been

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arrayed as accused no.2, 3 and 5 pending before the hon'ble 1st ACJM, Bengaluru.

3. Respondent No.2 lodged a complaint on 20.02.2020, pursuant to which the police registered an FIR in Crime No.79/2020 for the offences punishable under Sections 506, 34, 504, 120B, 406 and 420 of the IPC and Section 3 of the Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act, 2017.

4. The allegations in the complaint are that the husband of respondent No.2 suddenly expired in June 2009. Thereafter, respondent No.2 and her family began experiencing several problems. At that stage, one Sri. Nagaraj approached respondent No.2 and represented that he could resolve the problems being faced by the family. In that regard, he informed her that several Pujas and religious ceremonies were required to be performed, for which money and other valuables would have to be provided. Believing the representations made by him, respondent No.2 parted with money, gold, silver and other valuables for the performance of the said Pujas. Accused No.1 further represented that, during the performance of the Pujas, God would enter his body and respondent

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No.2 could put forth any questions and seek solutions to all the problems faced by her.

5. On the basis of the aforesaid representations, respondent No.2 was allegedly made to believe that the accused could resolve her family problems and, in the process, was induced to part with considerable amounts of money and valuable properties. Over a period of time, five properties belonging to respondent No.2 came to be sold and the sale proceeds were allegedly paid to accused No.1. Apart from the sale proceeds, respondent No.2 also claims to have parted with approximately 450 grams of gold and substantial amounts of cash. Eventually, upon realising that accused No.1 had allegedly deceived her and had caused her to part with valuable properties and assets, respondent No.2 lodged the complaint dated 20.02.2020, pursuant to which the aforesaid crime came to be registered.

6. Investigation having been completed, the police laid a charge-sheet implicating the present petitioners. Petitioner No.1 is the wife of accused No.1 and has been arrayed as accused No.2. Petitioner Nos.2 and 3, namely, Sri. Perumal V. Karimal and Sri. Hosooru Manju, have also been implicated in the alleged

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offences on the ground that they participated in the transactions relating to the sale of the properties and received benefits arising therefrom. It is challenging the said proceedings, pursuant to the filing of the charge-sheet, that the petitioners are before this Court seeking the aforesaid relief.

7. The submission of Sri. K. Elangovan, learned counsel appearing for the petitioners, is as follows:

7.1. The petitioners were neither named in the complaint nor in the FIR. Their implication in the alleged offences is only pursuant to the investigation and the charge-sheet subsequently filed by the police.

7.2. Respondent No.2 had voluntarily decided to sell her properties. Petitioner Nos.2 and 3, being real estate agents, had merely facilitated the sale transactions in the ordinary course of their business. They had acted only in their professional capacity as service providers and had no role whatsoever in the alleged acts of cheating or criminal breach of trust. Merely because they facilitated the sale of the properties, they cannot be implicated in the alleged offences.

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7.3. Insofar as petitioner No.1, who has been arrayed as accused No.2, is concerned, she is merely the wife of accused No.1 and had no involvement whatsoever in the alleged offences. Her implication appears to be solely on account of her relationship with accused No.1.

7.4. Lastly, learned counsel submits that the complaint is belated. Even according to the complainant, the last of the sale transactions took place in the year 2019, whereas the complaint came to be lodged only on 20.02.2020. The delay, according to learned counsel, is another circumstance warranting interference by this Court.

8. Per contra, learned HCGP submits that the statements of the witnesses recorded during investigation lend support to the allegations made in the complaint. It is contended that accused No.1, along with accused Nos.2 to 4, had induced respondent No.2 to sell her properties and had thereafter appropriated the sale proceeds. The material collected during investigation, particularly the statements of the witnesses, is stated to

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establish the involvement of the petitioners in the transactions. Learned HCGP submits that the charge-sheet material discloses sufficient grounds to proceed against the petitioners and that the matter necessarily requires adjudication at trial. It is, therefore, contended that no interference is warranted at this stage.

9. Heard Sri. K.Elangovan, learned counsel for the petitioners and Sri.Ranjith Kumar.N., learned HCGP for respondent No.1. Perused papers.

10. The petitioners seek to distinguish their respective roles from that attributed to accused No.1. Petitioner No.1 is the wife of accused No.1, whereas petitioner Nos.2 and 3 are stated to be real estate agents carrying on their respective businesses in Kolar and Dharmapuri, Tamil Nadu. Their contention is that petitioner No.1 had no involvement in the alleged transactions and that petitioner Nos.2 and 3 had merely facilitated the sale of the properties in their professional capacity as real estate agents.

11. A perusal of the complaint discloses that all the five properties which were allegedly sold are situated in Bengaluru. However, petitioner No.2 is stated to be carrying on real estate business in Kolar, whereas

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petitioner No.3 is stated to be carrying on such business in Dharmapuri, Tamil Nadu. Thus, the persons who are alleged to have facilitated the sale of the properties are stated to be carrying on their business in places outside Bengaluru, where the properties are situated and where respondent No.2 also resides.

12. When this Court sought to ascertain the circumstances in which petitioner Nos.2 and 3 came into contact with respondent No.2 for facilitating the sale transactions, learned counsel for the petitioners submitted that respondent No.2 had come across their details on a website and had, on her own, approached them for the purpose. This submission, at this stage, does not inspire the confidence of this Court. It is pertinent to notice that petitioner No.1 is the wife of accused No.1, while petitioner Nos.2 and 3 are stated to be real estate agents carrying on business at different places outside Bengaluru. The cause title indicates that petitioner No.1 resides at Benganur and petitioner No.2 at Benganur Farm House. There appears to be, at least prima facie, some connection between petitioner Nos.1 and 2. In such circumstances, it would be premature to accept the explanation that respondent No.2, entirely on her

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own initiative and merely upon coming across their details on a website, approached two real estate agents carrying on business in Kolar and Tamil Nadu for the sale of properties situated in Bengaluru.

13. Further, the statements of the witnesses recorded during investigation are stated to implicate the petitioners in the transactions relating to the sale of the properties and receipt of the sale consideration. The allegation is not confined to the fact that the petitioners merely facilitated the sale of the properties. The prosecution seeks to establish that they were participants in the transactions pursuant to which respondent No.2 was allegedly induced to part with her valuable properties and that they also received consideration arising out of such transactions.

14. It is indeed a matter of concern that respondent No.2, even in the present day and age, is stated to have believed the representations made by accused No.1 that the performance of Pujas and the entry of God into his body would enable her to obtain solutions to her family problems. However, the circumstances under which respondent No.2 came to part with five immovable properties, approximately

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450 grams of gold and substantial amounts of cash cannot be viewed in isolation. The prosecution alleges a concerted course of conduct whereby respondent No.2 was induced to part with her valuable assets and the other accused persons participated in or benefited from the transactions.

15. The contention that petitioner Nos.2 and 3 were merely acting as real estate agents and that petitioner No.1 was implicated only on account of her relationship with accused No.1 cannot, at this stage, be accepted as conclusive. The statements recorded during investigation, as referred to by the prosecution, attribute a role to the petitioners in the transactions. Whether their participation was merely in the ordinary course of their profession or whether they were acting in furtherance of the alleged design of accused No.1 is a matter which would require examination of the evidence during trial.

16. Equally, the circumstance that the petitioners were not named in the original complaint or the FIR would not, by itself, be sufficient to conclude that they had no involvement in the alleged offences. The purpose of investigation is to ascertain the circumstances surrounding the alleged commission of the offences

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and identify the persons who may have participated therein. The fact that the names of the petitioners came to be included only upon completion of the investigation would not, in itself, render the charge-sheet unsustainable, particularly when the investigating agency relies upon the statements of witnesses and other material collected during investigation.

17. Insofar as the alleged delay in lodging the complaint is concerned, it is to be noticed that the last of the sale transactions is stated to have taken place in the year 2019, whereas the complaint came to be lodged on 20.02.2020. The mere fact that the complaint was not lodged immediately upon the sale transactions would not, in the facts and circumstances of the present case, be sufficient to interdict the criminal proceedings. The complaint alleges a series of transactions and representations extending over a period of time, culminating in the sale of the properties and the complainant allegedly parting with her valuable assets. The effect of the time taken in lodging the complaint and the circumstances surrounding the same are matters which can be considered on the basis of the evidence placed before the Trial Court.

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18. At this stage, this Court is required to examine whether the allegations in the complaint and the material collected during investigation, if taken at their face value, disclose a basis for proceeding against the petitioners. This Court is not required to undertake a detailed examination of the evidence, assess the credibility of the witnesses or determine whether the petitioners would ultimately be found guilty of the offences alleged. Those are matters which fall within the domain of the Trial Court.

19. In the present case, the statements of the witnesses recorded during investigation, read along with the allegations relating to the sale of the five properties and the receipt of the sale consideration, cannot be said to be wholly devoid of material implicating the petitioners. The explanation offered by the petitioners regarding their respective roles raises issues which would require examination of the evidence and cannot be accepted at this stage to terminate the prosecution.

20. In that view of the matter, this Court is unable to hold that the proceedings initiated against the petitioners, pursuant to the filing of the charge-sheet, are liable to be quashed. The material on

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record warrants that the allegations be tested in a full-fledged trial. Any examination by this Court of the disputed factual circumstances at this stage would amount to entering upon an adjudication which is within the province of the Trial Court.

21. For the aforesaid reasons, this Court is of the considered opinion that the petitioners have not made out a case for exercise of jurisdiction to quash the proceedings in C.C. No.36830/2021.

22. As such this Court passes the following;

ORDER

Criminal petition stands ***dismissed***.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 43