HC-KAR

NC: 2026:KHC:59943
CRL.P No. 14014 of 2026

CNR: KAHC010628432026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 14014 OF 2026

BETWEEN:

MR. UMESH S.,
S/O SANNA MALLAPPA,
AGED ABOUT 58 YEARS,
R/AT, NO. 4821, 11TH B MAIN ROAD,
KANAKADASANAGAR, J BLOCK,
DATTAHALLI, 3RD PHASE,
MYSURU - 570 033.

ALSO AT,
NO.15, 4TH CROSS,
VASU LAYOUT,
RAMAKRISHNA NAGAR,
MYSURU - 570 022.

...PETITIONER

(BY SRI. GAWRAV G.K.,ADVOCATE)

AND:

1. THE STATE -THROUGH
   THE NARASIMHARAJA
   POLICE STATION, MYSURU
   (REPRESENTED BY THE STATE
   INVESTIGATION
   PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU - 560 001.

2. MR. H C GAJENDRA,
   S/O LATE CHIKKAIAH,

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AGED MAJOR,
R/AT HOUSE NO.7A,
7TH CROSS, RAJENDRANAGAR,
MYSURU - 570 007.

…RESPONDENTS

(BY SRI. M.V. ANOOP KUMAR, ADDL.SPP)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH ALL PROCEEDINGS IN PCR NO.10/2024 ON THE FILE OF THE PRL. SR. CIVIL JUDGE AND CJM CULMINATING IN REGISTRATION OF FIR REGISTERED IN CR.NO.0173/2025 BY NARAHIMRAJA P.S., MYSURU FOR THE ALLEGED OFFENCES P/U/S 34, 149, 406, 467, 420, 465, 471 AND 468 OF THE IPC 1860 ON THE FILE OF THE IV ADDL. CIVIL JUDGE (JR.DN) AND JMFC COURT, JLB ROAD, MYSURU CITY PRESENT CASE VIDE ANNEXURE-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

Learned counsel for the petitioner would submit that the ratio laid down in the judgment of the Hon'ble Apex Court in the case of ***Priyanka Srivastava and another vs. State of UP and others***[1] is not followed while lodging the private complaint, and that being the position, the Court could not

[1] ***(2015) 6 SCC 287***

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have issued a direction for registration of FIR and referring the matter for investigation.

2. In addition, learned counsel for the petitioner would submit that the petitioner has prayed to quash the FIR registered in Crime No.173/2025 by Narasimharaja Police Station, Mysuru. It is also submitted that the petitioner has also prayed to quash the proceedings in PCR No.10/2024.

3. This Court is of the view that the contentions raised in this petition can very well be raised before the jurisdictional Sessions Court.

4. Learned counsel for the petitioner has relied on the judgment of the full Bench of the Bombay High Court in W.P.No.2517/2022 and connected matters.

5. Referring to the aforementioned judgment, learned counsel for the petitioner would submit that the Criminal Revision Petition under Section 397 of Code of Criminal Procedure, 1973 ('Code, 1973') or Section 438 of Bharatiya Nagarika Suraksha Sanhita, 2023 ('BNSS') is not an efficacious remedy for the petitioner as the complaint and FIR cannot be

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RAMNATH HEGDE

quashed in a proceeding under Section 397 of Code, 1973 or Section 438 of BNSS.

6. The Court has considered the contentions raised and the judgment of the Bombay High Court *supra.*

7. The Court has noticed that Bombay High Court has referred to Section 397 of the Code, 1973 to take a view that the language of Section 397 does not enable the Sessions Court/ Revisional Court to quash the FIR if same is registered before stay of the operation of the order passed by the Magistrate directing registration of FIR.

8. The Court is of the view that if the F.I.R is registered based on the private complaint and the order passed by the Magistrate based on the private complaint, and in a revision against the said order directing registration of F.I.R, if the Sessions Court exercising the revisional jurisdiction finds that the complaint is not maintainable and the order directing registration of F.I.R is erroneous, then such Court in addition to setting the order directing the registration of F.IR. can also direct the closure of F.I.R.

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9. Hence the Court is of the view that the petitioner has efficacious remedy by way of revision as the Sessions Court can examine the record of any proceeding before Magistrate within its local jurisdiction.

10. Under these circumstances, the petition is not entertained. Hence, the Criminal Petition is ***dismissed***.

11. The time spent in prosecuting this matter from 07.09.2026 till the date of obtaining the certified copy of this order has to be excluded in computing the limitation in filing the Criminal Revision Petition.

12. Registry to return all the documents to the petitioner after retaining the photocopies of the same.

13. It is made clear that this Court has not expressed anything on the merits of the petition.

14. All the contentions of the parties are kept open.

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(ANANT RAMANATH HEGDE)
JUDGE

PA/List No.: 1 Sl No.: 51