HC-KAR

NC: 2026:KHC:55007
WP No. 32803 of 2024
C/W WP No. 34005 of 2024

CNR: KAHC010649782024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.32803 OF 2024 (GM-RES)
C/W WRIT PETITION No.34005 OF 2024 (GM-RES)

IN WP No.32803/2024

BETWEEN:

SRI CHANDRAKANTH BILLAVA
S/O LATE DURGAPRASAD
AGED ABOUT 50 YEARS,
R/AT KERKATTE, BASROOR VILLAGE,
KUNDAPURA TALUK
UDUPI DISTRICT -576 211

...PETITIONER

(BY SRI ARUNA SHYAM.M, SENIOR ADVOCATE FOR
SRI SUYOG HERALE.E, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH KOLLUR PS,
REP. BY SPP
HIGH COURT OF KARNATAKA
BUILDING,
BENGALURU - 560 001

2. THE EXECUTIVE OFFICER
TALUK PANCHAYATH,
KUNDAPURA TALUK
UDUPI DISTRICT - 570 218

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER FOR R1;

SRI ASHOK N. NAYAK, ADVOCATE FOR R2)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C NO.672/2023 (OLD CASE NO.2463/2011) PENDING ON THE FILE OF HON'BLE COURT OF CIVIL JUDGE AND JMFC, BAINDURU, FOR THE ALLEGED OFFENCE UNDER SECTION 406 AND 408 OF IPC. (PRODUCED AT ANNEXURE-A, B, C AND D AND ETC.,

IN WP No.34005/2024

BETWEEN:

SRI. CHANDRAKANTH BILLAVA,
S/O LATE DURGAPRASAD,
AGED ABOUT 50 YEARS,
R/AT KEREKATTE, BASROOR VILLAGE,
KUNDAPURA TALUK
UDUPI DISTRICT- 576 211

...PETITIONER

(BY SRI ARUNA SHYAM.M AND SRI SUYOG HERALE.E, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
   THROUGH KOLLUR P S
   REP. BY SPP
   HIGH COURT OF KARNATAKA
   BUILDING, BENGALURU - 560 001

2. THE EXECUTIVE OFFICER
   TALUK PANCHAYATH
   KUNDAPURA TALUK
   UDUPI DISTRICT - 570 218

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER FOR R1;

SRI ASHOK N. NAYAK, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH ENTIRE PROCEEDINGS IN C.C.NO.405/2023 (OLD CASE NO.1223/2021) PENDING IN THE FILE OF HON'BLE COURT OF CIVIL JUDGE AND JMFC, BAINDURU, FOR THE ALLEGED OFFENCES UNDER SECTION 403, 406 AND 409 OF INDIAN PENAL CODE ARISING OUT OF FIR, COMPLAINT AND CHARGESHEET IN CRIME NO.04/2010 (PRODUCED AT ANNEXURE-A, B, C AND D) AND ETC.,

THESE PETITIONS, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Aruna Shyam, learned Senior Advocate for the petitioner, Sri Ashok N. Nayak, learned counsel for respondent No.2 and Smt.Waheeda M.M., learned High Court Government Pleader.

2. At the outset, learned Senior Advocate would submit that in similar circumstances, co-ordinate Bench of this Court has quashed the pending criminal proceedings by noting the fact that similarly placed Panchayat Development Officer had agreed to repatriate the misappropriated amount with interest,

pursuant to the departmental enquiry and same benefit be granted to the present petitioner also.

3. Learned High Court Government Pleader and Sri Ashok N.Nayak , learned counsel for respondent No.2 do not dispute the factual aspects involved in these cases as well as factual aspects involved in W.P.No.11821/2015 disposed of on 25.04.2017 are identical.

4. Since the petitioner in both these petitions has agreed to repatriate the misappropriated amount with interest, noting the fact that incident has occurred long ago and letter written by respondent No.2 is also in the year 2011, the benefit provided to the petitioner in W.P.No.11821/2015 has to be accorded to the present petitioner also.

5. Hence, the following:

ORDER

(i) Petitions ***allowed***.

(ii) Consequently, criminal proceedings in C.C.No.672/2023 (old case No.2463/2011) and C.C.No.405/2023 (old case No.1223/2012) both pending on the file of the Civil Judge and JMFC,

Bainduru, stand ***quashed,*** subject to recovery of entire misappropriated amount with interest.

(iii) In view of disposal of the petitions, pending applications if any, stand consigned to record.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 89
CT:VRR