HC-KAR

NC: 2026:KHC:64452
CRL.P No. 15213 of 2026

CNR: KAHC010685212026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 15213 OF 2026

BETWEEN:

RAJENDRA KUMAR K. N,
S/O NANJAPPA K. K.,
AGED ABOUT 65 YEARS,
RESIDING AT NO. 27, VISHWATHARA,
BEHIND GOVERNMENT PRIMARY SCHOOL ROAD,
3RD CROSS, THOKKU AREA, HINKAL,
VIJAYANAGAR 2ND STAGE, MYSURU,
KARNATAKA 570 017.

...PETITIONER

(BY SRI PRAVEEN KAMATH M R,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
   BY THE INVESTIGATING OFFICER,
   MYSURU DCRE POLICE STATION, MYSURU,
   REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU 560 001.

2. SUNITA. A,
   W/O LATE MRITYUNJAYA N,
   AGED ABOUT 42 YEARS,
   RESIDING AT NO. 791/1,
   ASHRAMA ROAD, HINKAL,
   MYSURU, KARNATAKA.

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1,
SRI CHANDRASHEKARA H G, ADVOCATE FOR R2)

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THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CRIME NO.50/2026 DATED 21.09.2026, PURSUANT TO THE COMPLIANT DATED 21.09.2026 REGISTERED BY THE Ist RESPONDENT MYSURU DCRE POLICE STATION, MYSURU FOR OFFENCE P/US/ 74,79,115(1),351(2),351(3),352 OF BNS 2023 AND SEC.3(1)(w)(i), 3(1)(w)(ii),3(1)(s) AND 3(2)(va) OF SC/ST (POA) ACT 1989 PENDING ON THE FILE OF THE 6tH ADDL DISTRICT AND SESSION COURT, MYSURU DISTRICT, MYSURU.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional SPP for respondent No.1 as well as learned counsel for respondent No.2.

2. This petition is filed to quash the FIR in Crime No.50/2026 registered on 21.09.2026 for the offences under Sections 74,79,115(1),351(2),351(3) and 352 of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(w)(i) and 3(1)(w)(ii), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The case is pending before the Mysore DCRE Police.

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3. The learned counsel appearing for the petitioner would submit that the second respondent/complainant is an employee of the institution where the petitioner is president of the institution.

4. The president filed a complaint against the second respondent alleging embezzlement of the funds. The complainant has filed the complaint with an intention to put pressure on the petitioner to withdraw the complaint filed against the second respondent.

5. To substantiate the contention, learned counsel for the petitioner would refer to the proceedings of the meeting dated 04.08.2026 allegedly held by the Board of the school where the petitioner is the President. It is the submission that the petitioner was not called to the said meeting. The submission is, in the said proceedings of the meeting, it is stated that the complaint is filed by the petitioner against Nagaraj and respondent No.2.

6. The learned counsel would submit that the petitioner has filed the complaint on 05.08.2026, a day

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before the alleged meeting. As such, the proceedings of the meeting are concocted.

7. It is also the submission that the second respondent has filed an application along with the documents which are also concocted. In the documents submitted by the second respondent, there is no acknowledgment for having submitted those documents to the competent authority of the institution and no seal of the institution is forthcoming, as such, there is no justification in the contentions raised by the second respondent in her application for vacating the interim order.

8. Referring to the contents of the complaint, it is submitted that one of the incidents referred to in the complaint is of the year 2025. However, the complaint is filed in 2026 i.e., only after the petitioner's complaint against the second respondent.

9. In support of the contention, the learned counsel for the petitioner would refer to the judgment of

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the Apex Court in the case of ***Mahmood Ali and Others vs State of Uttar Pradesh And Others***[1]***.***

10. The learned HCGP appearing for the first respondent would submit that the contents of the complaint disclose cognizable offence. The ingredients of the offences are attracted. As such, the matter requires investigation.

11. The learned counsel for the second respondent would object to the contention that the complaint filed by respondent No.2 is a counterblast to the complaint filed by the petitioner. It is the submission that even before the petitioner lodged a complaint on 05.08.2026, the second respondent had lodged a complaint on 21.09.2026 against the petitioner referring to the harassment. It is the submission that the said complaint is received by the Secretary on 21.09.2026 and that being the position, the complaint filed by the second respondent cannot be construed as a counterblast to the complaint filed by the

[1] (2023) 15 SCC 488

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petitioner. On the other hand, it is the submission that the petitioner's complaint is a counterblast to the complaint dated 21.09.2026.

12. In addition, it is also submitted that there is one more complaint lodged by the second respondent on 08.04.2026 and same is received by the Secretary. Thus, it is urged that the matter requires investigation.

13. The Court has considered the contentions raised at the Bar and perused the records.

14. Admittedly, Nagaraj is the Secretary of the institution. Thus, the grievance, if any, has to be addressed to the Secretary of the Institution. Whether the complaint dated 21.09.2026 is a genuine complaint filed on the same date and addressed to the Secretary, and whether the Secretary has received it or not are the matters to be investigated by the police.

15. If it is found that the complaint is anti dated and is not received by the Secretary, then probably the police may, depending upon other materials to be

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collected at the time of investigation, take a call that the complaint is a counter blast to the complaint filed by the petitioner.

16. It is also required to be noticed that the second respondent claims to have filed one more complaint on 08.04.2026. This document according to the petitioner is anti dated. Again the police have to investigate as to whether the document is anti-dated.

17. The contention that the complaint is filed by the second respondent only after the complaint relating to embezzlement filed by the petitioner, cannot also be easily brushed aside by the police. There has to be a proper investigation in the matter.

18. At the same time, the contention of respondent No.2 that the complaint relating to embezzlement against respondent No.2 is a counter blast to the complaint allegedly filed by respondent No.2 on 21.09.2026 or the complaint dated 05.08.2026 cannot be easily brushed

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aside. So both the matters require thorough investigations.

19. Though the learned counsel for the petitioner would refer to the judgment of ***Mahmood Ali*** supra where the Appellate Court has held that in certain circumstances the Court just cannot go by the averments made in the complaint and has to read the complaint and make a close scrutiny of the complaint, the court is of the view that in the facts and circumstances of this case said ratio cannot be applied at this juncture.

20. The police have to thoroughly investigate the matter relating to the authenticity of the documents, correctness of the genuineness of the documents referred to by the parties.

21. Accordingly, the petition is ***dismissed***.

22. It is made clear that observations made in this order are only confined to the merit of the petition under Section 528 of the Bharatiya Nagarika Suraksha Sanhita,

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2023 and not on the merits of the contentions of either parties.

23. All contentions kept open.

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(ANANT RAMANATH HEGDE)
JUDGE

BRN/List No.: 2 Sl No.: 51