HC-KAR

NC: 2026:KHC:60192
CRL.P No. 1035 of 2025
C/W CRL.P No. 1127 of 2025

CNR: KAHC010749382024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1035 OF 2025 (482(Cr.PC) / 528(BNSS)-)

C/W

CRIMINAL PETITION NO. 1127 OF 2025 (482(Cr.PC) / 528(BNSS)-)

IN CRL.P No. 1035/2025
BETWEEN:

1. VINOD KUMAR
   SON OF LATE K. BHURALAL,
   AGED ABOUT 54 YEARS,
   RESIDING AT NO. 1,
   CHINNASWAMY MUDALLAR ROAD,
   TASKER TOWN, SHIVAJINAGAR,
   BENGALURU 560 051

2. VARUN JAIN
   SON OF VINOD KUMAR,
   AGED ABOUT 27 YEARS,
   RESIDING AT NO. 1,
   CHINNASWAMY MUDALIAR ROAD,
   TASKER TOWN, SHIVAJINAGAR,
   BENGALURU - 560 051

...PETITIONERS

(BY SMT. AKSHATHA PRASAD M D.,ADVOCATE)

AND:

1. STATE OF KARNATAKA

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POLICE INSPECTOR,
RAMMURTHY NAGAR POLICE STATION,
BENGALURU 560 016
REP. BY SPP
HIGH COURT BUILDING
BANGALORE-560001

2. ANUP ANANDA
SON OF GYANANDA SHARMA,
AGED ABOUT 20 YEARS,
RESIDING AT NO. 201,
3RD FLOOR, VARJA APARTMENT,
BAJANE HOUSE ROAD, 2ND CROSS,
B. CHENNASANDRA,
BENGALURU-560-016

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. VIJAY KASHYAP.S., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO.51308/2022 FOR THE OFFENCE P/US/ 454, 380 R/W SEC.411 OF IPC REGISTERED BY THE RAMAMURTHY NAGAR POLICE STATION AGAINST THE PETITIONER PENDING ON THE FILE OF THE XI ACMM MAYO HALL BENGLAURU QUA AND THE PETITIONERS WHO IS ARRAYED AS ACCUSED NO.4 AND 5 AND ETC.

IN CRL.P NO. 1127/2025
BETWEEN:

1. VINOD KUMAR
SON OF LATE K. BHURALAL,
AGED ABOUT 54 YEARS,
RESIDING AT NO. 1,
CHINNASWAMY MUDALIAR ROAD,
TASKER TOWN, SHIVAJINAGAR,
BENGALURU 560 051

2. VARUN JAIN
SON OF VINOD KUMAR,
AGED ABOUT 27 YEARS,
RESIDING AT NO. 1,

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CHINNASWAMY MUDALIAR ROAD,
TASKER TOWN, SHIVAJINAGAR,
BENGALURU 560 051

...PETITIONERS

(BY SMT. AKSHATHA PRASAD M D.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
RAMMURTHY NAGAR POLICE STATION,
BENGALURU 560 016
REP BY SPP,
BENGALURU.

2. SURESH BABU
SON OF LATE SESHADRI
AGED ABOUT 40 YEARS,
RESIDING AT NO. 1488/1,
OPP. YELLAMMA TEMPLE,
NEAR VIJINAPUR WATER TANK,
RAMMURTHY NAGAR,
BENGALURU-560016.

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
R2-SERVED & UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN C.C.NO.51314/2022 FOR THE OFFENCE P/US/ 454, 457, 380 R/W 411 OF IPC REGISTERED BY THE RAMAMURTHY NAGAR POLICE STATION AGAINST THE PETITIONERS PENDING ON THE FILE OF THE XI ADDL. CJM, MAYO HALL, BENGALURU QUA THE PETITIONERS WHO IS ARRAYED AS ACCUSED NO.4 AND 5 AND ETC.

THESE CRIMINAL PETITIONS, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

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ORAL ORDER

1. The petitioners in Crl.P.No.1035/2025 are before this Court seeking for the following reliefs:

> *A) Quash the entire criminal proceedings in C.C.No.51308/2022 for the offence p/u/s/ 454, 380 r/w sec.411 of IPC registered by the Ramamurthy Nagar Police Station against the petitioner pending on the file of the XI ACMM Mayo Hall Bengaluru qua and the petitioners who is arrayed as accused no.4 and 5.*
>
> *B) Grant such other relief as this Hon'ble Court deems fit to meet the ends of justice.*

2. The petitioners in Crl.P.No.1127/2025 are before this Court seeking for the following reliefs:

> *A) Quash the entire criminal proceedings in C.C.No.51314/2022 for the offence p/u/s/ 454, 457, 380 r/w sec.411 of IPC registered by the Ramamurthy Nagar Police Station against the petitioners pending on the file of the XI Additional Chief Judicial Magistrate, Mayo Hall Bengaluru qua and the petitioners who is arrayed as accused no.4 and 5.*
>
> *B) Grant such other relief as this Hon'ble Court deems fit to meet the ends of justice.*

Facts in Crl.P No.1127/2025:

3. A complaint had been filed by respondent no.2 on 24.11.2020 alleging that on 17.11.2020, respondent no.2 had locked his house and gone out of town and

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when they returned on 24.11.2020, they found that there was a theft which had occurred in the said house and five items of gold had been stolen. It is in pursuance thereof that FIR in Crime No.395/2020 was registered by Ramamurthynagar Police Station for offences under Sections 380, 454, and 457 of the IPC. Investigation having been completed, a charge sheet was laid on 12.02.2021 implicating the petitioners as accused nos. 4 and 5 on the basis of the statement made by accused nos. 1 and 2 that they had stolen the gold articles and had sold the same to accused nos. 4 and 5, who are jewellers. It is challenging the same, the petitioners are before this court.

Facts in Crl.P No.1035/2025:

4. Respondent No. 2 had filed a complaint on 22.05.2019 that there was a theft of gold and silver items in the house of Respondent No. 2. 25 items, both of gold and silver, were detailed out in the said complaint to have been stolen from the house of Respondent No. 2. In furtherance thereof, FIR in Crime No.234/2019 came to be registered by Ramamurthynagar Police Station for offences under Section 380 and 454 of IPC. Upon investigation, a

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charge sheet was filed on 12.02.2021 implicating the petitioners as accused no.4 and 5 on the basis of the same statement. Challenging the same, the petitioners are before this Court.

5. Insofar as Crl.P No.1127/2025 is concerned, perusal of the charge sheet material would indicate that the 5 items which are stated to have been stolen and sold to the petitioners had in fact been recovered from the house of accused no.1. Hence, the allegation made against the petitioners to be implicated as accused no.4 and 5 is completely false, is the submission of the learned counsel for the petitioners.

6. As regards Crl.P No.1035/2025, the submission of learned counsel for the petitioners is that no recovery has been made from the petitioners. In fact a perusal of the charge sheet would indicate that they have been implicated only on the basis of a confession statement made by accused no.1 and 2. There is no corroborative evidence or contemporaneous evidence which is placed on record to implicate accused no.4 and 5 in the said offence

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except for the confession statement made by accused no.1 and 2.

7. She relies upon the decision of the Hon'ble Apex Court in the case of ***Manoj Kumar Soni v. State of M.P*** [2024 17 SCC 401], more particularly Paras 20 and 25, thereof which are reproduced hereunder for easy reference:

> ***20.*** *A doubt looms: Can disclosure statements per se, unaccompanied by any supporting evidence, be deemed adequate to secure a conviction? We find it implausible. Although disclosure statements hold significance as a contributing factor in unriddling a case, in our opinion, they are not so strong a piece of evidence sufficient on its own and without anything more to bring home the charges beyond reasonable doubt.*
>
> ***25.*** *Coming to the case at hand, there is not a single iota of evidence except the disclosure statements of Manoj and the co-accused, which supposedly led the IO to the recovery of the stolen articles from Manoj and Rs 3000 from Kallu. At this stage, we must hold that admissibility and credibility are two distinct aspects and the latter is really a matter of evaluation of other available evidence. The statements of police witnesses would have been acceptable, had they supported the prosecution case, and if any other credible evidence were brought on record. While the*

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> *recoveries made by the IO under Section 27 of the Evidence Act upon the disclosure statements by Manoj, Kallu and the other co-accused could be held to have led to discovery of facts and may be admissible, the same cannot be held to be credible in view of the other evidence available on record.*

8. By relying on ***Manoj Kumar Soni***, her submission is that an uncorroborated confession statement by a co-accused cannot be a ground for conviction. There being no recovery on the basis of those statements, her submission is that the said decision being applicable to the present fact, the proceedings against the petitioners even if continued would not result in any conviction requiring the quashing of the proceedings.

9. Learned HCGP would however oppose the said petitions and the prayer sought for by contending that the petitioners who have been arrayed as accused no.4 and 5 are habitual purchasers of stolen gold. The accused no.1 and 2 having identified the shop of accused no.4 and 5 and having categorically stated that they had sold the gold stolen from respondent no.2's house in Crl.P No.1035/2025, the

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proceedings ought to continue for trial and not to be quashed at this stage.

10. Heard Ms.Akshatha Prasad M.D., learned counsel for the petitioners, Ms.Rashmi Patel, learned HCGP for respondent no.1. Though respondent no.2 in Crl.P No.1035/2025 has been served and represented by counsel, no one has been appearing on the part of respondent no.2 and it is for that reason that this Court had on an earlier occasion observed that if none were to appear for respondent no.2, the matter would be taken up for consideration on the basis of submission made by the counsel for the petitioner. Insofar as respondent no.2 in Crl.P No.1127/2025 is concerned, respondent no.2 though served has chosen to be unrepresented.

11. The complaint in Crl.P. No.1127/2025 was lodged on 24.11.2020, whereas the complaint in Crl.P. No.1035/2025 was lodged on 22.05.2019. In both cases, the charge sheet came to be filed on 12.02.2021, implicating the petitioners, who are accused Nos.4 and 5, primarily on the basis of the confession statements allegedly made by accused Nos.1 and 2. According to the said statements,

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accused Nos.1 and 2 had committed theft of gold articles from the respective houses of respondent No.2 and thereafter sold the stolen articles to the petitioners.

12. Insofar as Crl.P. No.1127/2025 is concerned, the material collected during the investigation indicates that the stolen articles were recovered from the house of accused No.1 and not from the petitioners. The recovery so effected does not lend support to the allegation that the stolen articles had been sold to accused Nos.4 and 5. On the contrary, the recovery from the house of accused No.1 casts serious doubt on the allegation made in the confession statement regarding the alleged sale of the articles to the petitioners. The prosecution has not placed any independent material on record to corroborate the said allegation.

13. In Crl.P. No.1035/2025, it is alleged that nearly 25 gold articles had been stolen from the house of respondent No.2. However, none of the said articles have been recovered during the course of investigation. Though the charge sheet was filed on 12.02.2021, the material placed before this Court

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does not disclose that the investigating officer had undertaken any meaningful investigation to ascertain the whereabouts of the alleged stolen articles after their purported sale by accused Nos.1 and 2 to accused Nos.4 and 5. Nor does the charge sheet material disclose any independent evidence indicating a relationship, association or coordination between accused Nos.1 and 2, on the one hand, and the petitioners, on the other, so as to substantiate the allegation that the petitioners had purchased the stolen articles. The absence of recovery, coupled with the absence of independent material corroborating the alleged sale, gives rise to serious doubt as to the basis on which the petitioners have been implicated.

14. Theft of gold articles from residential houses is a serious offence, and the investigation into such offences is required to be conducted diligently and comprehensively. The investigating officer is expected not merely to apprehend the alleged perpetrators and record their statements, but also to independently verify the allegations made by them, trace the stolen property, ascertain its subsequent movement and collect material capable of

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corroborating the alleged involvement of other accused persons.

15. In the present cases, the material placed before this Court indicates that the investigation, insofar as the petitioners are concerned, has substantially rested upon the statements of accused Nos.1 and 2, without any apparent effort to independently verify or corroborate the allegation that the stolen gold articles had been sold to accused Nos.4 and 5.

16. In view of the deficiencies noticed above, the Director General of Police and Inspector General of Police, Karnataka, is directed to examine the manner in which the investigations in these cases have been conducted, ascertain whether the investigating officers have followed the applicable procedures and, if necessary, formulate and issue an appropriate Standard Operating Procedure for investigation of theft cases, particularly cases involving theft of gold articles from residential houses.

17. Such procedure shall ensure that the allegations made by an accused person against another are

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subjected to independent verification and that reasonable efforts are made to trace and recover the stolen property and collect corroborative evidence.

18. Having regard to the material placed before this Court, the implication of the petitioners appears to rest substantially upon the confession statements of accused Nos.1 and 2, without independent material corroborating the alleged sale of the stolen articles to the petitioners.

19. In Crl.P. No.1127/2025, the recovery of the articles from the house of accused No.1 further undermines the allegation of sale to the petitioners; whereas in Crl.P. No.1035/2025, none of the alleged stolen articles have been recovered and no material has been placed to demonstrate the subsequent movement or disposal of the articles allegedly sold to the petitioners.

20. The material on record, therefore, does not disclose a sufficient basis to proceed against the petitioners or indicate a reasonable prospect of their conviction. In these circumstances, continuation of the

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proceedings against the petitioners would serve no useful purpose and would result in an unnecessary expenditure of precious judicial time. The proceedings, insofar as the petitioners are concerned, are liable to be quashed.

21. In that view of the matter, this Court passes the following:

ORDER

i) Criminal petitions are allowed.

ii) In Crl.P No.1127/2025, the entire proceedings in CC No.51314/2022 (Crime No.395/2020) for the offence punishable under Section 454, 457, 380 r/w 411 of IPC registered by Ramamurthynagar Police Station pending on the file of XI Additional Chief Metropolitan Magistrate, Bengaluru qua the petitioners who are arrayed as accused No.4 and 5 are quashed.

iii) In Crl.P No.1035/2025, the entire proceedings in CC No.51308/2022 (Crime No.234/2019) for the offence punishable under Section 454, 380 r/w 411 of IPC registered by Ramamurthynagar

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Police Station pending on the file of XI Additional Chief Metropolitan Magistrate, Bengaluru qua the petitioners who are arrayed as accused No.4 and 5 are quashed.

iv) Though the above petitions are disposed, relist on 14.12.2022 to enable the Director General Police and Inspector of General Police to place on record the SOP issued by him to the concerned Investigating Officer in respect of house theft, more particularly theft of gold.

v) Learned HCGP to keep the Director General Police and Inspector of General Police informed about the above order and coordinate with him for filing of the said SOP.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 11