HC-KAR

NC: 2026:KHC:62701
CRL.P No. 16822 of 2025

CNR: KAHC010803772025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 16822 OF 2025

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

BETWEEN

1 . SMT.SHASHIKALA @ SASIKALA KRISHNAPPA
W/O KRISHNAPPA,
AGED ABOUT 40 YEARS,
NO.05/698, TMJ KOTE VILLAGE,
SAPPADI POST, SULAGIRI TALUK,
KRISHNAGIRI DISTRICT,
TAMILNADU-635117

2 . SRI.KRISHNAPP.G.
S/O SRI.JEDAPPA @ GEEDAPPA
AGED ABOUT 49 YEARS,
NO.05/698, TMJ KOTE VILLAGE,
SAPPADI POST, SULAGIRI TALUK,
KRISHNAGIRI DISTRICT,
TAMILNADU-635117

3 . SRI.B.KRISHNAPPA,
S/O LATE BYRAPPA,
AGED ABOUT 54 YEARS
H NO. 135
SHREE YELLAMMA DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066

4 . SRI.PURSHOTTAMA @ PURUSHOTHAM B.K.
S/O B KRISHNAPPA,
AGED ABOUT 29 YEARS,
H.NO.135,
SHREE YELLAMMA DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,

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BENGALURU-560066.

5 . SMT.LAGUMAMMA, @ LAXMI,
W/O B KRISHNAPPA,
AGED ABOUT 48 YEARS
H.NO.135,
SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066.

6 . SMT. MEENAKSHI B K
D/O B KRISHNAPPA,
AGED ABOUT 26 YEARS,
H.NO.135,
SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066.

7 . SRI.MUNIVEERAPPA,
S/O LATE BYRAPPA,
AGED ABOUT 66 YEARS,
SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066

8 . SRI.SRIDHAR MURTHY
S/O MUNIVEERAPPA,
AGED ABOUT 33 YEARS,
SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066

9 . SRI.B.RAMESH
S/O LATE BYRAPPA,
AGED ABOUT 49 YEARS,
SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066

10 . SMT.MUNIVENKATAMMA,
D/O LATE BYRAPPA,
W/O MUNIKRISHNA
AGED ABOUT 49 YEARS,

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SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
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11 . SMT.JAYALAKSHMI,
D/O LATE BYRAPPA,
W/O LATE NARASIMHA MURTHY,
AGED ABOUT 53 YEARS,
SHREE YELLAMMA, DEVI TEMPLE MAIN ROAD,
PATANDUR AGRAHARA, WHITE FILED POST,
BENGALURU-560066

...PETITIONERS

(BY SRI: NAGESH S., ADVOCATE)

AND

1. STATE OF KARNATAKA
   BY WHITE FIELD POLICE STATION
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU DISTRICT

2. SMT.V. SHAILAJA
   W/O LATE MUNENDRA
   AGED ABOUT 37 YEARS,
   R/A82,RR LAYOUT, 3RD CROSS,
   MARAGONDANAHALLI, T.C.PALYA,
   K.R.PURAM, BENGALURU-560036

…RESPONDENTS

(BY SRI. B.N. JAGADISH., ADDL. SPP;
SRI. RANJITH KUMAR N., HCGP AND
SRI. SHAMANTH NAIK., AGA FOR R1;
SMT. V. SHAILAJA, PARTY-IN-PERSON FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA 2023, PRAYING TO QUASH THE FIR IN CRIME NO.772/2025 AGAINST THE PETITIONERS HEREIN BY WHITEFIELD POLICE STATION FOR THE OFFENCE P/US/ 43, 120-A, 120-B AND 299 OF IPC WHICH IS PENDING BEFORE ADDL CJM BENGALURU RURAL, BENGALURU AND ETC.

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HC-KAR
CNR: KAHC010803772025

NC: 2026:KHC:62701
CRL.P No. 16822 of 2025

THIS CRIMINAL PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 05.10.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioners are before this Court seeking for the following reliefs;

   i. Quash the FIR in Crime No.772/2025 against the petitioners herein by White Field Police Station for the offences punishable under section 43, 120A, 120B and 299 of IPC which is pending before Addl Chief Judicial Magistrate, (ACJM) Bengaluru Rural, Bengaluru.

   ii. To pass any other orders as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice.

2. A complaint has been filed by respondent No. 2 before the Whitefield Police Station on 22.06.2024. No action having been taken, the complainant had approached the Commissioner, Home Minister's office, Principal Secretary, DG and IGP, Karnataka State Human Rights Commission, and several authorities including the Chief Minister, Deputy Chief

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Minister. No action having been taken by them, respondent No. 2 filed a private complaint under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [for short 'BNSS']. Pursuant thereto the learned Magistrate referred the matter for investigation under sub-section (3) of Section 175 r/w sub-section (9) of Section 193 of the BNSS, in pursuance of which FIR in Crime No.772/2025 was registered by the Whitefield Police Station on 17.11.2025 for offences under Sections 43, 120A, 120B, and 299 of the Indian Penal Code, 1860 [for short 'IPC']. Challenging the same petitioners are before this Court.

3. The allegation made in the private complaint by respondent No. 2 was that the complainant had been married to one Munendra under the Hindu Marriage Act, 1955 on 31.05.2006 and they subsequently stayed at Pattandur Agrahara. At that time, the complainant and her husband had a fight with

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accused No. 1 and accused No. 2 as regards the possession of the property. Thereafter, the house was given to them. Subsequently the complainant and Munendra were blessed with a daughter on 20.05.2007. It is alleged that on 27.04.2011, B. Krishnappa-accused No.3, Sridhar Murthy-accused No. 8, B. Ramesh-accused No. 9, Ravishankar, Vinod, Lakshmamma and Sudha had abused her using filthy language affecting her dignity, assaulted her, threatened to kill her. It is alleged that on 06.12.2012, accused Nos. 1 and 2 brought the grandfather of her husband to execute a Will, leaving out her husband's name. On 23.02.2015, when the complainant went to attend a hearing in C.C. No. 2987 of 2014, she alleges that accused No.3 harassed her, as regards which a case was registered. She subsequently, filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 on 18.06.2016. She

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also filed a suit in OS No. 2232 of 2023 for partition and declaration that the grandfather's Will is bad in law. Apart from that, she submitted that there are various other disputes and complaints between her and her husband's family members.

4. Her husband had called her on 27.05.2024 at 04:02 p.m. and informed her that the accused had assaulted him and planned to murder him. On 28.05.2024 at 12:27 p.m., she alleges that she received a call stating that her husband had collapsed due to chest pain. Another person, namely Puttamma, had also called her about the very same issue. Her friend Sindhu had also called her. On 22.06.2024 she received a call from the Inspector of the Whitefield Police Station stating that her husband had expired on 12.06.2024 and she was issued a notice under Section 41A of the Code of Criminal Procedure, 1973 [for short 'CrPC']. Pursuant thereto, she gave a statement to the Whitefield Police. She

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alleges that her husband has expired due to the assault committed by her husband's family members and contrary to the religious practice, her husband's body was burned rather than buried and it is in that background that she had submitted a complaint on 22.06.2024 with the Whitefield Police Station, which was not acted upon by the police, requiring her to approach the higher authorities and then to file a private complaint.

5. Sri.Nagesh.S, learned counsel for the petitioners would submit that,

5.1. On 12.06.2024, petitioner No.1 had received a call from Sridhar Murthy stating that Munendra was found dead near Bharat Chicken Center, Laxmaiah Building and it is pursuant thereto that petitioner No.1 had lodged a complaint against respondent No.2 and one Kadhar on 13.06.2024 stating that they are responsible for the death of Munendra. Based on the complaint

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of petitioner No.1, respondent No.1-police had registered UDR No. 46/2024. The Investigating Officer had sent the requisite material to the toxicology department of the FSL to ascertain the cause of death. The postmortem was conducted on 14.06.2024 and the body was handed over to petitioner No.1. The chemical analysis and histopathological report of the body parts of Munendra had been sent to FSL. The FSL has submitted a report that the cause of death was disease of liver with acute tubular necrosis of the kidney and in pursuance thereof a B-report has been filed in UDR No. 46/2024 on account of the death of Munendra being a natural death and no injuries having been found on the body of the deceased Munendra.

5.2. He submits that when the entire investigation having been completed and a final report having been filed in UDR No. 46/2024,

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respondent No. 2 has filed a complaint only to harass the petitioners. The allegations made as regards the phone call received by her from her deceased husband alleging assault by the petitioners and/or the intention to kill Munendra is without any basis.

5.3. The requirement of Section 299 of the IPC is not satisfied on an *ex facie* reading of the complaint. The complaint has been filed with mala fide intention and with the ulterior motive of wreaking vengeance on the petitioners, owing to a personal grudge in not receiving any property. His submission is that respondent No.2 has converted to Islam and is living with Kadhar and it is for that reason that petitioner No.1 suspected that respondent No. 2 and Kadhar had caused the death of Munendra, but now that a final report has been filed indicating that the death of Munendra was natural, there

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is no need for the complaint filed by respondent No.2 to be proceeded with. The same would be violative of petitioners' rights under Article 21 of the Constitution and would cause grave hardship, agony, and humiliation.

5.4. He submits that the continuation of the complaint would be an abuse of the process of law, requiring this Court to intercede in the matter.

6. Respondent No. 2 Shailaja, who appears as party-in-person, submits that,

6.1. There is a serious dispute between her deceased husband and his family members. Various litigations are pending as indicated *supra*. The death having occurred on 12.06.2024 she was informed of the said death only on 22.06.2024 by which time she alleges the petitioners/accused in the complaint had given false statements to the police resulting in

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the proceedings being closed. Her submission is that the jurisdictional police have not investigated the matter properly. They have not examined the allegations, pending consideration in various proceedings, as regards grabbing of the properties of the deceased. She submits that the offence, being heinous in nature, was required to be investigated properly and it is for that reason that the trial court, taking into consideration the decision in ***Ramachandraiah and Another v M.Manjula***, [2025 SCC OnLine SC 893] has held that further investigation is required to be conducted. In that regard she relies on paragraph 11 of the above judgment which is reproduced hereunder for easy reference:

> ***11.*** *It has been settled in catena of decisions that the High Court or the Supreme Court being Constitutional Court is vested with extra-ordinary*

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power to direct CBI investigation depending upon the facts and circumstances of the case. The Constitutional Courts are expectantly and reverently entrusted with the duty to serve justice being a sovereign and premiere constitutional institution. In "Vinay Tyagi v. Irshad Ali" this Court has held that the power to direct for CBI investigation is to be exercised sparingly and in exceptional circumstances, but, when the facts so demand, it is extremely necessary to exercise the said power to provide credibility and instil confidence in order to do complete justice and for enforcing the fundamental rights. The following principle has been laid down by this Court in paragraphs 33, 43, 44 & 45:

> *"**33.** This judgment, thus, clearly shows that the Court of Magistrate has a clear power to direct further investigation when a report is filed under Section 173(2) and may also exercise such powers with the aid of Section 156(3) of the Code. The lurking doubt, if any, that remained in giving wider interpretation to Section 173(8) was removed and controversy put to an end by the judgment of this Court in Hemant Dhasmana v. CBI [(2001) 7 SCC 536 : 2001 SCC (Cri) 1280] where the Court held that although the said section does not, in specific terms, mention the power of the court to order further investigation, the power of the police to conduct further investigation envisaged therein can be triggered into motion at the instance of the court. When any such order is passed by the court, which has the jurisdiction to do so, then such order should not even be interfered with in exercise of a higher court's revisional jurisdiction. Such orders would normally be of an advantage to achieve the ends of justice. It was clarified, without ambiguity, that the Magistrate, in exercise of powers under Section 173(8) of the Code can direct CBI to further investigate the case and collect further evidence keeping in view the objections raised by the appellant to the investigation and the new report to be submitted by the investigating*

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officer, would be governed by sub-section (2) to sub-section (6) of Section 173 of the Code. There is no occasion for the Court to interpret Section 173(8) of the Code restrictively. After filing of the final report, the learned Magistrate can also take cognizance on the basis of the material placed on record by the investigating agency and it is permissible for him to direct further investigation. Conduct of proper and fair investigation is the hallmark of any criminal investigation.

43. At this stage, we may also state another well-settled canon of the criminal jurisprudence that the superior courts have the jurisdiction under Section 482 of the Code or even Article 226 of the Constitution of India to direct "further investigation", "fresh" or "de novo" and even "reinvestigation". "Fresh", "de novo" and "reinvestigation" are synonymous expressions and their result in law would be the same. The superior courts are even vested with the power of transferring investigation from one agency to another, provided the ends of justice so demand such action. Of course, it is also a settled principle that this power has to be exercised by the superior courts very sparingly and with great circumspection.

44. We have deliberated at some length on the issue that the powers of the High Court under Section 482 of the Code do not control or limit, directly or impliedly, the width of the power of the Magistrate under Section 228 of the Code. Wherever a charge-sheet has been submitted to the court, even this Court ordinarily would not reopen the investigation, especially by entrusting the same to a specialised agency. It can safely be stated and concluded that in an appropriate case, when the Court feels that the investigation by the police authorities is not in the proper direction and that in order to do complete justice and where the facts of the case demand, it is always open to the Court to hand over the investigation to a specialised agency. These principles have been reiterated

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> *with approval in the judgments of this Court in Disha v. State of Gujarat [(2011) 13 SCC 337 : (2012) 2 SCC (Cri) 628], Vineet Narain v. Union of India [(1998) 1 SCC 226 : 1998 SCC (Cri) 307], Union of India v. Sushil Kumar Modi [(1996) 6 SCC 500] and Rubabbuddin Sheikh v. State of Gujarat [(2010) 2 SCC 200 : (2010) 2 SCC (Cri) 1006].*
>
> *45. The power to order/direct "reinvestigation" or "de novo" investigation falls in the domain of higher courts, that too in exceptional cases. If one examines the provisions of the Code, there is no specific provision for cancellation of the reports, except that the investigating agency can file a closure report (where according to the investigating agency, no offence is made out). Even such a report is subject to acceptance by the learned Magistrate who, in his wisdom, may or may not accept such a report. For valid reasons, the court may, by declining to accept such a report, direct "further investigation", or even on the basis of the record of the case and the documents annexed thereto, summon the accused."*

6.2. By relying on ***Ramachandraiah*** decision, she submits that the Magistrate having come to a conclusion that there is further investigation which is required to be conducted, a heinous offence being alleged, the jurisdiction Police ought to be permitted to conduct the said investigation and this court ought not to intercede in the matter.

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7. Sri. B. N. Jagadish, the Additional SPP would submit that investigation had been conducted in UDR No.46/2024. The viscera, part of liver, kidney, etc., having been forwarded to the FSL, the FSL had clearly and categorically opined that the cause of death was disease of liver with acute tubular necrosis of kidney and on that basis, opined that the cause of death being natural, a B-report having been filed by the Investigating Officer, no fault could be found with the said investigation requiring reinvestigation or further investigation is his submission.

8. Heard Sri. Nagesh.S., learned counsel for the petitioner. Smt. Shailaja, party in person, Sri.B.N.Jagadish, learned Addl. SPP for the State, Sri. Ranjith Kumar N HCGP and Sri. Shamanth Naik AGA for respondent No.1. Perused papers.

9. The offences as alleged against the petitioners are serious in nature. Merely because an offence is alleged does not mean that the petitioners are guilty

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of those offences. But what could be seen is that there are various proceedings which are pending between Munendra, respondent No. 2 and the family members. In fact, even according to the petitioners, petitioner No.1 had lodged a complaint against respondent No.2 and one Mr. Kadhar, on 13.06.2024 stating that they were responsible for the death of Munendra, therefore, a complaint has been filed by respondent No.2 alleging that the petitioners had murdered Munendra, when UDR 46/2024 was registered, the postmortem was conducted on 14.06.2024 and the body handed over to the petitioner No.1. Respondent No. 2 was not aware of the same since respondent No.2 was informed of the death only on 22.06.2024.

10. The histopathological report could be one of the aspect which is required to be considered to ascertain if there is any foul play. Apart therefrom, there are various other aspects which are required to

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be looked into. As indicated *supra*, petitioner No. 1 herself having contended that respondent No. 2 and Kadhar were responsible for death of Munendra, even the petitioners were of the opinion that the death of Munendra was not natural. That is the very same allegation made by Respondent No.2- party in person, alleging that the death of Munendra was not natural, she contending that the petitioners are responsible for the death. Thus, both the petitioners and respondent No. 2 have contended that the death of Munendra was not natural, though histopathological report indicates that the cause of death was disease of liver with acute tubular necrosis of kidney. It is also on record that Munendra used to drink a lot, that cannot result in B-report being filed without other aspects and allegations made both by the petitioners against respondent No. 2 and respondent No. 2 against the petitioners being investigated.

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11. The B-report which has been placed on record at Annexure-R does not indicate any of the above allegations being investigated. The B-report only refers to the histopathological report and the final opinion that the death of Munendra is due to disease of liver with acute tubular necrosis of kidney. Neither the allegation made by the petitioners against respondent No.2 nor the allegation made by respondent No.2 against the petitioners is found to have been investigated in the final report filed on 18.09.2024. The learned Magistrate considering the above aspect of the allegations made by respondent No.2, not having been investigated by the Investigating Officer and by relying on the decision in ***Ramachandraiah*** has referred the matter for further investigation.

12. In the above circumstances, this Court does not find any infirmity in the said order passed by the learned Magistrate, inasmuch as the further investigation

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would always require on both the allegations made by the petitioner No.1 against respondent No.2 and Kadhar, as also the allegations made by respondent No.2 against the petitioners. At this stage this court is not opining as to whether the death of Munendra was unnatural and if unnatural, whether it was a homicide or not. What the learned Magistrate and what this Court is considering is only the aspect of the allegations made by the petitioner No.1 against respondent No.2, as also the allegations made by respondent No.2 against the petitioners not being investigated which is *ex facie* evident on a reading of the final report dated 18.09.2024.

13. In that view of the matter, no grounds are made out for interference with the said order. However, direction is required to be issued to the Investigating Officer to investigate the same in a proper manner.

14. There are also allegations which are made by respondent No. 2 against the Whitefield Police as

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regards harassment and/or assault committed on her by the Whitefield Police. This Court had called upon the Whitefield Police to secure the CCTV footage in WP No.3931/2026, when this Court was informed that the CCTV was not working for more than a year prior to the incident, as regards which separate directions are being issued. In that view of the matter, this Court is of the considered opinion that the manner in which the earlier investigation was done, the CCTV footage not being available, does not inspire confidence in the Whitefield Police investigating the matter properly. As such, this Court is of the opinion that another Investigating Officer of neighbouring police station, would have to conduct the investigation. This aspect would have to be taken into consideration by the Director General and Inspector General of Police, and a suitable Investigating Officer of neighbouring police station would have to be appointed to further investigate the

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matter and not the Police Inspector of Whitefield as directed by the Magistrate. As such, this court passes the following:

ORDER

i. The Criminal Petition is ***dismissed***.

ii. The Director General and Inspector General of Police is directed to appoint a Police Inspector of the neighbouring Police Station to Whitefield Police Station to further investigate the matter taking into account the allegations made by the petitioner No.1 against respondent No. 2 and Kadhar, as also the allegations made by the respondent No. 2 against the petitioners.

iii. The Whitefield Police Station is directed to transfer all the files relating to the above to the investigating officer appointed by the Director General and Inspector General Police.

This Court has been assisted by Mr. Sourav M, Law Clerk, in the formulation of this Judgement.

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(SURAJ GOVINDARAJ)
JUDGE

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