IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.9690 OF 2021

BETWEEN:

1. SRI SUDHIR ANGUR
S/O LATE SHRI GUDDAPPA ANGUR
AGED ABOUT 60 YEARS
RESIDING AT G-7, 27TH MAIN
AHRAYA RESIDENCY, 36TH MAIN
BTM LAYOUT, 1ST STAGE
BANGALORE-560 068

2. SHYLA CHEBBI
W/O GOVINDA CHEBBI
AGED ABOUT 58 YEARS
NO.100, 34TH MAIN ROAD
2ND CROSS, 1ST MAIN
BTM LAYOUT
BANGALORE-560 068

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Location: HIGH COURT OF KARNATAKA

3. ABHAY CHEBBI
S/O GOVINDA CHEBBI
AGED ABOUT 34 YEARS
NO.100, 34TH MAIN ROAD
2ND CROSS, 1ST MAIN
BTM LAYOUT
BANGALORE-560068

4. SRI. PRAKASH S BUDUR
S/O SIDDAPPA BUDUR
AGED ABOUT 41 YEARS
RESIDING AT NO.32
6TH MAIN, 6TH CROSS
SARASWATHIPURAM
NANDHINI LAYOUT
BANGALORE-560032

5. MALA GOWDA
W/O MR. SRINIVAS GOWDA
AGED ABOUT 61 YEARS
NO.100, 34TH MAIN ROAD
2ND CROSS, 1ST MAIN
BTM LAYOUT
BANGALORE-560068

…PETITIONERS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. CYRIL PRASAD PAIS, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MICO LAYOUT POLICE STATION
BANGALORE CITY-560076
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560001

2. MADHUKAR ANGUR
S/O LATE SHRI. GUDDAPPA ANGUR
AGED ABOUT 65 YEARS
RESIDING AT NO.1128
21ST CROSS, 14TH MAIN
HSR 3RD SECTOR, HSR LAYOUT
NEAR BDA COMPLEX
BANGALORE-560012

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. KIRAN NAIDU, ADVOCATE FOR
SRI. SHREEHARI KUTSA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.2259/2018, PENDING AGAINST THE PETITIONERS ON THE FILE OF VI ADDL.C.M.M., BENGALURU (ANNEXURE-C) AND TO CONSEQUENTLY, QUASH THE COMPLAINT DATED 25.03.2015 (ANNEXURE-A), FIR BEARING CR.NO.332/2015 (ANNEXURE-B) AND CHARGE SHEET IN C.C.NO.2259/2018 (ANNEXURE-C) PENDING AGAINST THE PETITIONERS ON THE FILE OF VI ADDL.C.M.M., BENGALURU AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 13.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

This petition is filed praying this Court to quash the entire proceedings in C.C.No.2259/2018 pending against the petitioners on the file of VI Additional Chief Metropolitan Magistrate, Bangalore; quash the complaint dated 25.03.2015 (Annexure-A); FIR in Cr.No.332/2015 (Annexure-B) and charge sheet in C.C.No.2259/2018 (Annexure-C).

2. Heard the learned counsel appearing for the respective parties.

3. The factual matrix of case that the complaint dated 25.03.2015 was given on 27.03.2015. Based on Annexure-A complaint, FIR was registered in Crime No.332/2015 at Annexure-B for the offences punishable under Sections 504, 506, 509 read with Section 34 of IPC wherein the allegations are made that there was a dispute with regard to the Alliance University and the complainant

is the Managing Director of said Alliance Business School. The petitioners are the brother and sister and sister's son of the complainant who has been arrayed as accused Nos.1 to 3 and accused No.4 is looking after the finance of the said Institution. The complainant married CW4 and the same was not liked by the family members of the complainant. Hence, dispute was started between the parties and indulged in creation of documents. The complaint was given to the Madival Police earlier and given the paper notification. That on 05.03.2015, accused persons came to the office of the complainant and forced him to sign on the blank papers and caused the life threat. Thereby, the accused have indulged in creation of document of transfer of amount transferring the amount to the account of complainant and his wife and given the complaint in Anekal Police Station. That on 22.03.2015, accused Nos.1 and 4 and other Goonda elements came near the house of complainant, forced him to resign from the post of Managing Director and abused in a filthy language and caused the threat to the complainant as well

as his wife. On the next day, i.e., on 23.03.2015, gave the paper publication stating that complainant had resigned from the post of Managing Director.

4. Based on the complaint, the police have registered the case and investigated the matter and filed the charge sheet. The accusation made in the charge sheet that on 22.03.2015, accused Nos.1, 2 and 5 along with accused Nos.3 and 4 went near the house of the CW1, when they did not find CW1 and CW4 within the jurisdiction of Mico Layout, N.S.Palya, went near the Alliance College having come to know that they are there. When they have parked the car near the parking area, wrongfully restrained CW1 and made galata and forced to resign and also threatened stating that they will teach a lesson to him and his wife and dragged him and abused that at this age, marriage with CW4 is necessary. When accused persons noticed CW4, accused Nos.1 to 5 with the common intention abused her in a filthy language stating that she is the cause for all this and for property, she had married an old person and caused the threat to her also.

Hence, the present petition is filed before this Court seeking for quashing the proceedings.

5. The Senior Counsel appearing on behalf of the petitioners in his arguments would vehemently contend that the allegation made in the FIR is different from the allegations made in the charge sheet. The complaint does not disclose commission of any offence. But respondent No.1 was duty bound to take into consideration the orders passed by the Trial Court in O.S.Nos.3932/2017, 5148/2017 and MFA No.8545/2017. However, respondent no/.1 in an utterly callous manner as filed the charge sheet when there is a civil dispute between the parties. The respondent No.2 has further attempted to strengthen the bald complaint by adding fresh allegations of assault by the petitioners near Alliance University campus, N. S. Palya that he had forgotten to mention the incident in the complaint. The very fact that respondent No.2 has alleged such incidents which are not a part and parcel of the complaint and the same is made only an afterthought. The witnesses in the matter are respondent No.2, his wife and

his former employees at Alliance University, which is admitted by the said witnesses. The fact that the investigating agency failed to collect any CCTV footage of the incident and failed to go in depth into the very happening of the incident and the same is establish malafides on the part of respondent No.1. The statements made by the witnesses clearly establishes beyond doubt that the entire complaint is based on a fictitious story and there was a delay and though the alleged incident was taken place on 22.03.2015, the complaint was given belatedly after 5 days and though complaint is dated 25.03.2015. The respondent No.2 has leveled allegations of mismanagement and misappropriation of funds on the petition No.4. However, the fact remains that the State of Karnataka appointed a one man commission in order to submit a report on the mismanagement in the university and pursuant to which a report and a charge sheet came to be filed in Crime No.188/2017 for the offences of embezzlement against respondent No.2 and respondent No.2 only misappropriated the funds to the tune of Rs.250

crores of the university. The complaint is admittedly filed with an intention to derail the management of Alliance University, as is evident from the averments made in the complaint and the ingredients of the offences which have been invoked are not satisfies respondent No.1, even inspite of it, charge sheet is filed. There is a glaring error on the part of the IO. Thus, it is nothing but an abuse of process. Hence, it requires interference of this court.

6. The counsel mainly brought to notice of contents of Annexure-A and so also the charge sheet at Annexure-C wherein the very contention of the complainant that he has forgotten to mention the incident of assault. The counsel would vehemently contend that it is nothing but a fictitious allegation and witnesses are also interested witnesses.

7. The counsel for the petitioners in support of his arguments, relies upon the judgment reported in **(2023) 15 SCC 488** in the case of **MAHMOOD ALI AND OTHERS vs STATE OF UTTAR PRADESH AND OTHERS**

wherein discussion was made that absence of requisite ingredients, delay in lodging the FIR, non-disclosure of time and date of commission of crime and wrecking vengeance out of private or personal grudge factors to be considered and requisite parameters need to be kept in mind is reiterated in the said judgment. The counsel referring this judgment would contend that there was a delay in lodging the complaint and no ingredients attracts view of the allegations made in Annexure-A and only with an intention to wreak vengeance , the additional allegation is made in the further statement.

8. The counsel relies upon the judgment reported in **(2025) 3 SCC 756** in the case of **ACHIN GUPTA vs STATE OF HARYANA AND ANOTHER** wherein held that quashing of charge sheet, abuse of process of court factors to be considered while passing the order.

9. The counsel mainly relies upon the judgment reported in **1992 SUPP (1) SCC 335** in the case of **STATE OF HARYANA AND OTHERS vs BHAJAN LAL**

AND OTHERS and brought to notice of this Court the guidance given in this judgment to exercise the power under Section 482 of CrPC particularly when the personal grudge if any allegation is made to wreck vengeance in paragraph 102 and would contend that the court guidelines that allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognisable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code. Also guideline No.5 where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. The counsel also brought the notice of this court guideline 7 where a criminal proceeding is manifestly attended with mala fide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge. The counsel referring this judgment

would contend that this case is aptly applicable to the case on hand.

10. Per contra, the counsel appearing for respondent No.2 in his arguments would vehemently contend that the complaint averments are very clear with regard to the incident is concerned. Counsel also vehemently contend that on the very next day itself i.e., on 28.03.2015, made the statement that they came near the car parking area and caused the threat. But he was forgotten to mention the same and particular timing is mentioned as 11:20 for having caused the life threat and indecent words were used against CW4. The counsel also submits that the witnesses clearly made the statement regarding the incident that CW1 and CW4 were subjected to intimidation and also abuse and the other witnesses/eyewitnesses have spoken about the same. The counsel would contend that address mentioned in the complaint comes within the Mico Police Station. The statement of two witnesses discloses about the incident. The eyewitnesses' statements are clear regarding place of

incident. Hence, the matter requires to be considered on merits and it requires trial.

11. The counsel in support of his arguments, relies upon the judgment reported in **(2012) 9 SCC 460** in the case of **AMIT KAPOOR vs RAMESH CHANDER** and brought to notice of this court discussion made in paragraph 27.2 wherein held that the Court should apply the test as to whether the uncontroverted allegations as made from the record of the case and the documents submitted therewith prima facie establish the offence or not. If the allegations are so patently absurd and inherently improbable that no prudent person can ever reach such a conclusion where the basic ingredients of a criminal offence are not satisfied then the court may interfere. The counsel referring this judgment would contend that it is a matter of trial with regard to the said issue is concerned.

12. The counsel also relied upon the judgment reported in **(2003) 6 SCC 175** in the case of

SUPERINTENDENT OF POLICE, CBI AND OTHERS vs TAPAN KUMAR SINGH and brought to notice of this Court paragraph 20 wherein held that it is well settled that a First Information Report is not an encyclopedia, which must disclose all facts and details relating to the offence reported. An informant may lodge a report about the commission of an offence though he may not know the name of the victim or his assailant. He may not even know how the occurrence took place.

13. The counsel also relies upon judgment reported in **(2023) 18 SCC 399** in the case of **CENTRAL BUREAU OF INVESTIGATION vs ARYAN SINGH AND OTHERS** wherein discussed with regard to the scope of Section 482 read with Sections 227 and 239 - quashing of proceedings and scope of enquiry at the stage of law is summarized.

14. The counsel also relies upon the judgment reported in **(2019) 14 SCC 350** in the case of **SAU. KAMAL SHIVAJI POKARNEKAR vs STATE OF MAHARASHTRA** wherein it is held that criminal

complaints cannot be quashed only on the ground that allegations made therein appear to be of a civil in nature.

15. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record and considering the principles laid down in the judgments referred supra by both the counsels, the point that would arise for the consideration of this petition is:

1. Whether it is a case for exercising the powers under Section 482 of CrPC to quash the charge sheet filed against the petitioners herein?

2. What Order?

Point No.1:

16. Having perused the material available on record particularly, having taken note of the contents of the complaint, it is very clear that there is a dispute between the complainant and his brothers and sisters in respect of the management of Alliance Business School and complaint is also given in the letter head of the said

Institution. The same is with regard to the management when differences were arisen between the parties in view of complainant married CW4 and the same is stated in the complaint itself.

17. Having perused the complaint, it discloses that brother and sisters along with some accomplices came near the home and threatened with dire consequences to the complainant and his wife and they also came to the company office situated near Silkboard and threatened the people there and a threat was also made to resign from the post of Managing Director. Hence, the complainant sought for an action. In the first complaint, it is very clear that according to the complainant, incident was taken place near the home and also in the office. But nothing is stated in the complaint with regard to the incident dated 22.03.2015 near the car parking area. But this complaint was though dated 25.03.2015, was given on 27.03.2015 and there is a delay of 5 days in lodging the complaint. Thus, the question of forgotten to mention the incident of assault as rightly pointed out by the counsel appearing for

the petitioners is very clear that further statement was recorded on the next day to state new facts in respect of incident near the car parking area. But in the charge sheet, it is stated that the went near the car parking area having come to know that both of them were not there at home and found CW1 and abused in a filthy language and pushed him and also having noticed his wife, abused her also in a filthy language. It is rightly pointed out by the counsel that the averments made in the complaint and accusation made in the charge sheet are different. It has to be noted that in the complaint nothing is stated that the alleged eye witnesses were also present at the time of the incident and there is no whisper about the place of incident near the car parking in the complaint.

18. The counsel would vehemently contend that only with an intention to bring the case within the jurisdiction of respondent No.1, the further statement was recorded. The counsel also brought to notice of this Court that the FIR was dispatched on 27.03.2015 at 20.46 but the same was reached to the court on the next day at

11:00 a.m. and in the meanwhile, further statement of complainant was recorded on the very next day i.e., on 28.03.2015. Hence, there is a force in the contention of the counsel appearing for the petitioners that only to wreak vengeance, even though no such incident was taken place, an improvement is made at the instance of respondent No.1. The guideline Nos.4, 5 and 7 of judgment of the Apex Court in the case of **BHAJAN LAL** referred supra in paragraph 102 comes to the aid of the petitioners that the complaint does not disclose constituting a cognizable offence. The allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion and criminal proceeding is manifestly attended with mala fide since there were dispute between the parties with regard to the management.

19. No doubt, the learned counsel appearing for respondent No.2 relies upon the judgments of **AMIT KAPOOR** as well as **SUPERINTENDENT OF POLICE** and

the other judgments referred supra, those judgments will not come to the aid of respondent No.2 when the very complaint does not disclose an averment with regard to the incident and afterthought only the other incident was invoked with an intention to bring the incident within the jurisdiction of respondent No.1 police. Apart from that if really that incident was taken place on 22.03.2015, the complainant would not have forgotten the said incident and that is the main accusation made in the charge sheet. Only in order to invoke the ingredients of the offences, further statement was recorded and set up the eye witnesses. But those witnesses, as rightly pointed out that, they are the ex-employees of the Institution. Hence, it is a fit case to exercise the powers under Section 482 of Cr.P.C. or otherwise it amounts of abuse of process since there was a civil dispute between the parties and considering the accusation made in the complaint and charge sheet, it discloses that it is a clear case of afterthought wherein improvement is made to file charge

sheet and criminal prosecution is initiated against the petitioners.

20. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed.

The proceedings in C.C.No.2259/2018 pending against the petitioners on the file of VI Additional Chief Metropolitan Magistrate, Bangalore; complaint dated 25.03.2015; FIR in Cr.No.332/2015 and charge sheet in C.C.No.2259/2018 are hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN