

06-11-2025

ORDERS ON B-REPORT

Investigating Officer filed B-report on second time stating that investigation was conducted by the two Investigating Officers on different angles revealed that there are no proof or documents to prove the offence complained of by the complainant, the complainant repeatedly telling that the accused persons committed breach of trust by hatching conspiracy.

The complainant filed protest petition contending that the Investigating Officer solely relied voluntary statement of the accused persons to file the B-report, voluntary statement of the accused persons are inadmissible, call details and mobile tower location of the complainant and accused persons regarding the incident has not been collected by the Investigating Officer, list of witnesses and documents are not annexed to the B-report, police have not sought witnesses or documents from the complainant and no proof has been produced in order to show that

police sought witnesses or documents from the complainant and he has made prayer for record the sworn statement.

Investigating Officer only filed summary of the B-report before the court. Investigating Officer completely relied upon the voluntary statement of the accused persons to file the B-report. There are no any proof showing Investigating Officer made an attempt to record the statement of the complainant and witnesses or collect the documents during the course of investigation of the case.

It is the case of the complainant that when he filed PCR No.3867/2022 against the accused No.1 to 5 the accused No.1 gave 11 Lakhs rupees to the accused No.2 and 3 in the presence of complainant as agreed in their mediation. When the accused No.2 and 3 failed to return the amount to the accused No.1, the complainant return the amount to the accused No.1, at that time accused No.1 did not return the security cheque and filed a cheque bounce case fabricating the contents of the cheque. On questioning, accused

persons abused in filthy language and threatened with dire consequences of life and limb to the complainant. The accused persons threatened that if not an amount of Rs.11 Lakhs is paid the complainant shall execute the sale deed of his property to the accused No.1.

The complainant made allegation that accused persons committed the offence of misappropriation of cheque, intention insult and criminal intimidation. A reading of the complaint together with documents it is quite clear that suppose the case set down for the sworn statement court can gather material in order to ascertain whether prima-facie case exists or not for taking cognizance. Thus, I pass the following.

ORDER

B-report filed by the Investigating Officer is rejected.

Case set down for sworn statement by :

IV ACJM, BENGALURU.