

IN THE COURT OF THE IV ADDL. CHIEF JUDICIAL MAGISTRATE,
AT BENGALURU.

Dated this the 17th day of February 2026

Present:-

Sri.SOMANATHA, B.A. (Law), L.L.B.,
IV Addl. Chief Judicial Magistrate,
Bengaluru.

CC NO.26103/2018

Complainant State by Rajarajeshwarinagara Police Station,

V/s

Accused

1. Sri. B.Venkatesh,
S/o. Chandraiah,
Aged about 43 years,
R/at No.38, Hillview Residency
Apartment, Dwarakanagara,
Bengaluru-560 098.
3. Sri.Kiran Kumar,
S/o. S.Narayana,
Aged about 36 years,
R/at No.404, Cauvery Comfort,
Venkatapura Main Road,
Jakkasandra, Koramangala 1st Block,
Bengaluru-560 034.

ORDERS ON DISCHARGE APPLICATION

Accused No.1 and 3 have filed separate applications seeking an order for discharge from the case.

Accused No.1 is contending that the dispute is purely civil in nature, he has been falsely implicated in the case and the allegations made are all groundless.

Accused No.3 is contending that accused No.1 had executed the Memorandum of Understanding on 30.03.2015, accused No.2 is the witness of Memorandum of Understanding on 30.03.2015, he is not the party in Memorandum of Understanding on 30.03.2015, complainant is in already physical possession of the flat and the purchaser had occupied the respective flats which were sold by them and flats are in habitation condition, if the recital of Memorandum of Understanding on 30.03.2015 is looked into complainant has to approach the civil court for recover the amount and interest, he was not at all involved in the offence, he is not a partner or party to the transaction took place between complainant and accused No.1 and 2, none of the witnesses of the statement show that he had committed the offence, he never met the complainant in Rajarajeshwarinagar or Guttigere, so he is noway connected to the Rajarajeshwarinagar and Guttigere where cause of action arose for the case.

2. Sr. APP filed objections contenting that there are material in the complaint about how the accused No.1 and 3 committed the offence, evidence collected by the Investigating Officer sufficient to frame charge, accused No.1 and 3 have not shown charges are groundless and truthfulness or otherwise of the evidence cannot be seen at this stage.

3. Heard arguments and perused the records.

4. The following point is arise for consideration:

Whether the accused No.1 and 3 have made out that charge is groundless?

5. The above point is answered in the **Negative** for the following:

REASONS

6. Case of the prosecution is that complainant was running a company by name M/s. D.G.Coms, he was searching for making investment out of the amount received by selling the M/s. D.G.Coms, accused No.2 introduced the accused No.1 to the complainant representing that the accused No.1 is constructing apartments in Begur and Bannerghatta Road and if at all investment is made the accused No.1 will pay double the amount with interest in the third year, complainant believing the words of the accused No.2 deposited an amount of Rs.2 Crores to the M/s. Credence Developers run by accused No.1 and 3, accused No.1 registered the sale deed of 4 apartments situated at Begur, Bengaluru South Taluk and the accused No.1 signed as witness to that sale deed. A Memorandum of Understanding entered into between the complainant and accused No.1 and the accused No.2 was signatory to the Memorandum of Understanding, accused No.1 failed to re-register four flats and return three crore rupees with interest as agreed in the Memorandum of Understanding. When complainant demanded to complete the construction of work of apartment and return the amount the accused No.1 abused in filthy language and threatened with dire consequences of life and limb.

7. A reading of the prosecution version it can be understood that accused No.2 instigated the complaint to invest the money in the under construction apartment of accused No.1. Complainant invested the money believing the representation of the accused No.2. Complainant made to transfer the money to

the bank account of the M/s. Credence Developers run by accused No.1 and 3. Bank statement of the M/s. Credence Developers and voluminous cheques have been made as part and parcel of the charge sheet by the Investigating Officer. Bank statement clearly indicates that there was transfer of money from the bank account of the complainant to the M/s. Credence Developers. Series of cheques have been issued by the complainant in the name of M/s. Credence Developers. So, there are sufficient prima-facie material to frame charge against the accused No.1 to 3. Mere fact that accused No.3 was not a party to the Memorandum of Understanding he cannot be discharged from the case. There are prima-facie material pertaining to criminal breach of trust, intentional insult, criminal intimidation and criminal conspiracy. When the such is the case it cannot be said that it is purely a civil dispute. A full pledged trial is essential to determine whether the accused persons committed the offences or not. Accused No.1 and 3 are failed to demonstrate that charges are groundless. Therefore, the afore-mentioned Point is answered in the **Negative** and I pass the following:

ORDER

An application filed by the accused
No.1 and 3 under Section 239 of Cr.
P.C., is rejected.

(Dictated to the Stenographer directly on the computer, typed by him, corrected by me and then pronounced by me in the open Court on this the 17th day of February 2026)

(SOMANATHA)
IV Addl. Chief Judicial Magistrate,
Bengaluru.