



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 1110 OF 2026

BETWEEN:

1. M.J.JOSE OLAKKENGIL,
AGED ABOUT 74 YEARS,
S/O O.J.JACOB,
R/AT NO.312, 14TH CROSS,
2ND STAGE, NEAR HEALTH
AND GLOW STORES,
INDIRANAGAR, BENGALURU – 560 038.
2. MRS. RITA JOSE OLAKKENGIL,
AGED ABOUT 63 YEARS,
W/O JOSE OLAKKENGIL,
R/AT NO.312, 14TH CROSS,
2ND STAGE, NEAR HEALTH
AND GLOW STORES,
INDIRANAGAR,
BENGALURU – 560 038.

...PETITIONERS

(BY SRI. MUNIYAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
STATION HOUSE OFFICER,
PULIKESHI NAGAR POLICE STATION,
BENGALURU – 560 005,
REPRESENTED BY



STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA ,
HIGH COURT BUILDING,
BENGALURU – 560 001.

2. DR. D.KIRTHI VENI,
NO.47, CHARLES CAMPBELL ROAD,
COX TOWN,
BENGALURU – 560 065.
[DIED NO 09-11-2025]

...RESPONDENTS

(BY SRI. B.N.JAGADEESHA, ADDL. SPP FOR R1;
SRI. M.MADAN GOPAL, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 528 BNSS PRAYING TO QUASH
THE FIR AND COMPLAINT IN CRIME NO.0238/2025
REGISTERED BY THE RESPONDENT NO.1, PULAKESHINAGARA
P.S. DATED 31.07.2025, PRODUCED AS ANNEXURES A AND B,
PENDING ON THE FILE OF IV ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE COURT, BENGALURU CITY FOR
THE OFFENCES PUNISHABLE UNDER SECTIONS 3(5), 316(2)
318(2) OF THE BHARATIYA NYAYA SANHITA (BNS), 2023.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are before this Court calling in question the registration of a crime in Crime No.238/2025 registered for offences punishable under Sections 3(5), 316(2), 318(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Sri.Muniyappa, learned counsel appearing for the petitioners, Sri.B.N.Jagadeesha, learned Addl. SPP appearing for respondent No.1, Sri.M.Madan Gopal, learned counsel appearing for respondent No.2 and have perused the material on record.

3. While answering the contentions of the petitioners, this Court on 09.02.2026 passed the following order:

"ORAL ORDER on I.A.No.1/2026

Heard Sri. Muniyappa, learned counsel appearing for the petitioners.

The issue in the lis is with regard to receipt of Rs.42,00,000/- by the petitioner.

The learned counsel appearing for the petitioner admits that Rs.35,00,000/- has been



received. Therefore, he is ready to return, but to whom to return is the question, as the complainant is no more.

Learned High Court Government Pleader is directed to accept notice for respondent No.1 and is further directed to secure instructions as to the legal representatives of the complainant and place it before the Court on the next date of hearing.

List this matter on 23.02.2026, in the fresh matters list.

In the meantime, there shall be an interim order of stay of further investigation in crime No.238/2025 pending on the file of IV Additional Chief Metropolitan Magistrate, Nrupathunga Road, Bengaluru City, till the next date of hearing."

4. The said order is again reiterated on 23.02.2026 by the following order:

"This Court on 09.02.2026 had passed the following order:-

"Heard Sri. Muniyappa, learned counsel appearing for the petitioners.

The issue in the lis is with regard to receipt of Rs.42,00,000/- by the petitioners.

The learned counsel appearing for the petitioners admits that Rs.35,00,000/- has been received. Therefore, he is ready to return, but to whom to return is the question, as the complainant is no more.

Learned High Court Government Pleader is directed to accept notice for respondent No.1 and is further directed to secure instructions as to the legal representatives of the complainant and place it before the Court on the next date of hearing. List this matter on 23.02.2026, in the fresh matters list.



In the meantime, there shall be an interim order of stay of further investigation in crime No.238/2025 pending on the file of IV Additional Chief Metropolitan Magistrate, Nrupathunga Road, Bengaluru City, till the next date of hearing."

2. Sri. Muniyappa, learned counsel appearing for the petitioners had undertaken that the petitioners are ready and willing to pay the amount but to whom is the question, as the person from whom the amount was received was no more.

3. The State on verification of the records has now secured the legal representatives of the deceased from whom the petitioners had secured the amount.

4. The learned counsel for the petitioners now submits that they should get the appropriate documents to demonstrate that they are the legal representatives.

5. The learned High Court Government Pleader to secure instructions with regard to the documents that are to be produced so that the petitioners, as undertaken before this Court, would be in a position to handover the amount to the legal representatives after production of documents.

6. The State shall produce the certificate to demonstrate that the persons, who are present before the Court, are the legal representatives and who would receive the amount, as the petitioners have undertaken before this Court that they are ready and willing to pay the amount.

7. List the matter on 23.03.2026.

8. Subject to the aforesaid, interim order granted earlier stands continued till the next date of hearing.

9. In the event of production of the documents with regard to succession certificate or otherwise and the petitioners not making the payment as was undertaken, the petition would be dismissed."

5. Learned counsel Sri. Muniyappa appearing for the petitioners now submits that none of the documents that are



necessary to be produced, is produced for the purpose of repayment of money as was observed in the interim order.

6. Learned counsel appearing for the respondent/complainant would submit that there are several documents placed or handed over to the petitioners in furtherance of claim of the amount. The documents are as follows:

- "1. Family Tree of D.Tharani Devi issued by Government of Karnataka (Revenue Department) in Original-**Document No-1**
2. Certificate of Registration by the Karnataka Medical Council dated 21.03.1973 issued in favor of Late Dr.D.Kirthi Veni D/o late. Devaraj P.T- **Document No-2**
3. PAN number of Late Dr.D.Kirthi Veni D/o late. Devaraj P.T **Document No-3**
4. Passport of Late Dr.D.Kirthi Veni D/o late. Devaraj P.T- **Document No-4**
5. Aadhaar Card of Late Dr.D.Kirthi Veni D/o late. Devaraj P.T **Document No-5**
6. Election Voter ID of Late Dr.D.Kirthiveni D/o late. Devaraj P.T, **Document No-6**
7. Death Certificate of Late Dr.D.Kirthiveni D/o late. Devaraj P.T- **Document No-7**
8. School Certificate of Miss Tharani Devi D/o late. Devaraj P.T- **Document No-8**



9. Certificate of enrolment issued by Karnataka State Bar Council to Miss. Tharani Devi D/o late. Devaraj P.T-

Document No-9

10. Certificate of Membership issued by Karnataka Advocates Welfare Fund Trustee-Committee Bangalore in favor of D.Tharani Devi, where late.Dr.D.Kirthiveni is made a Nominee

Document No-10.

11.PAN no of D. Tharani Devi D/o late. Devaraj P.T **Document No-11**

12. Aadhaar Card of D.Tharani Devi D/o late. Devaraj P.T **Document No-12**

13. Election Voter ID of D.Tharani Devi D/o late. Devaraj P.T **Document No-13**

14. Passport of D. Tharani Devi D/o late. Devaraj P.T **Document No-14**

15. Certified copy of Order Sheet in O.S.No.26118/2025, before the Hon'ble Additional City Civil Judge Mayo Hall Bangalore CCH-29 filed by Mrs.Sangeetha against Dr.D.Kirthiveni **Document No-15**

16. Memo reporting the death of late.Dr.D.Kirthiveni in O.S.No.26118/2025 before the Hon'ble Additional City Civil Judge Mayo Hall Bangalore CCH- 29. **Document No-16**

17. Certified copy of Application filed Under Order 22 rule 4 of the Code of Civil Procedure to bring the Legal Representative of late.Dr.D.Kirthiveni filed by the plaintiff Mrs. Sangeetha **Document No-17**

18. Vakalath filed by Miss. Tharini Devi in O.S.No.26118/2025 dated 28.11.2025 **Document No-18."**

7. Learned counsel for the petitioners now submits that these documents are not enough for returning of the amount. Therefore, in the peculiar facts of this case, investigation must ensue. Therefore, the petitioners are at



liberty to knock at the doors of this Court in the event a final report would go against him.

Reserving such liberty, the petition stands disposed.
Interim order of any kind subsisting stands dissolved.

Sd/-
(M.NAGAPRASANNA)
JUDGE