



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 2808 OF 2018

BETWEEN:

SRI RAMASWAMY KUMAR
S/O SRI. RAMASWAMY
AGED ABOUT 66 YEARS,
MANAGING DIRECTOR
SUJKA TECHNOLOGIES PRIVATE LIMITED
A COMPANY INCORPORATED UNDER PROVISIONS OF
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
NO.29, 2ND CROSS, KIRLOSKAR COLONY 2ND STAGE
BASAVESHWARANAGARA, BANGALORE-560079

...PETITIONER

(BY SRI. AJITH A SHETTY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY JIGANI POLICE STATION
ANEKAL TALUK, BANGALORE RURAL DISTRICT
REP BY SPP, BENGALURU
2. INSTAKART SERVICES PRIVATE LIMITED
A COMPANY INCORPORATED UNDER PROVISIONS OF
THE COMPANIES ACT 1956,
HAVING ITS REGISTERED OFFICE AT
BRIGADE MANAE COURT NO.111
INDUSTRIAL LAYOUT, KORAMANGALA WARD NO.67
BANGALORE-560 034
BY ITS MANAGING DIRECTOR

...RESPONDENTS

(BY SRI. M.R.PATIL, HIGH COURT GOVERNMENT PLEADER FOR
RESPONDENT NO.1;

SRI. LOMESH KIRAN N., ADVOCATE FOR RESPONDENT NO.2)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 25.03.2018, PASSED BY THE HON'BLE ADDITIONAL CIVIL JUDGE (JR.DVN) AND JMFC, ANEKAL, PERMITTING THE 1ST RESPONDENT POLICE TO INVESTIGATE THE SAID N.C.R.NO.126/2018 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has challenged an order dated 25.03.2018 passed by the Additional Civil Judge (Jr. Dvn.) and JMFC, Anekal, permitting the investigation of a non-cognizable offence as well as the registration of an FIR in Crime No.74 of 2018 for the offences punishable under Sections 143, 147, 447, 149 and 441 of IPC.

2. It appears from the information furnished by respondent No.2 to respondent No.1 that respondent No.2 was a tenant in a premises belonging to the petitioner. It appears that the respondent No.2 had vacated the premises and was ready to handover the possession of the premises to the accused/petitioner against refund of the security deposit of



Rs.1,12,50,000/-. The respondent No.2 alleged that the petitioner forcibly entered the premises with the help of hired goons and dispossessed the respondent No.2 and therefore, prayed suitable action be initiated against the petitioner. Based on this, the respondent No.1 registered NCR No.126/2018 and thereafter, filed a request before the trial Court to register an FIR as provided under Section 155(2) of Cr.P.C. The Magistrate in terms of an order dated 25.03.2018 "permitted" the case to be registered and to take up investigation. Following this, a case in Crime No.74/2018 was registered for the offences punishable under Sections 143, 147, 447, 149, 441 of IPC. The petitioner being aggrieved by the FIR drawn against him has filed this petition.

3. The learned counsel for the petitioner submitted that the Magistrate committed an error in blindly "permitting" a case to be registered against the petitioner without considering the materials placed and verifying whether a cognizable offence was made out or not. He therefore, contends that the Magistrate abdicated his responsibility in applying its mind and hence, the impugned order directing registration of an FIR against the petitioner is illegal and warrants interference.



Besides this, he contends that a perusal of the complaint lodged by the respondent No.2 shows that the respondent No.2 had already vacated the premises and that the respondent No.2 was awaiting the refund of the security deposit to handover possession. He contends that the respondent No.2 had handed over possession to the petitioner, which is evident from the correspondence dated 15.10.2017 and 10.03.2018. He therefore, submits that the respondent No.2 after having handed over the possession has approached the respondent No.1 with a false complaint.

4. Per contra, the learned counsel for respondent No.2 submitted that the fact that respondent No.2 was a tenant in the premises belonging to the petitioner is not in dispute. He contends that it is also not in dispute that a notice of termination was issued to the petitioner terminating the tenancy and it was specifically informed to the petitioner that the possession would be handed over on 14.11.2017 against receipt of the security deposit of Rs.1,12,50,000/-. He contends that since the petitioner failed to pay the security deposit, but tried to forcibly dispossess the respondent No.2, the respondent No. 2 was constrained to lodge a complaint before



the respondent No.1 specifically informing that until the security deposit was returned, respondent No.2 is entitled to continue in possession of the leased premises. The learned counsel contends that if the possession of the premises was handed over to the petitioner on 15.10.2017 and 10.03.2018, there was no need for the petitioner to wait till 13.03.2018 to file a suit in O.S.No.100/2018 before the Civil Court, Jigani. He therefore, contends that the claim of the petitioner that possession was handed over to respondent No.2 is without any basis and concocted for the purpose of evading prosecution.

5. I have considered the submissions of the learned counsel for the petitioner as well as the learned counsel for the respondent No.2.

6. A perusal of the complaint lodged by the respondent No.2 before the respondent No.1 indicates that the dispute is regarding the refund of the security deposit. While the respondent No.2 claims that the petitioner failed to refund the security deposit and therefore, the respondent No.2 continued in possession until it was forcibly dispossessed, the petitioner contends to the contrary and claims that possession



was delivered to him. Therefore, the question whether the possession of the leased premises was delivered to the petitioner or not, cannot be gone into by the criminal Court. It is now stated at the bar by the learned counsel for respondent No.2 that a commercial suit in O.S.No.181/2020 was filed for recovery of the security deposit and a decree is already passed by the Commercial Court. Therefore, keeping the proceedings alive against the petitioner, would be a wasteful exercise of time and resources. Having regard to the fact that the parties are already before the Civil Court and a decree is already resulted in favour of the respondent No.2, it would not be worthwhile for the proceedings to continue against the petitioner.

7. In that view of the matter, the petition is ***allowed***. The impugned order dated 25.03.2018 passed by the Additional Civil Judge (Jr. Dvn.) and JMFC, Anekal, permitting an FIR to be registered against the petitioner and the consequent FIR drawn by respondent No.1/police in Crime No.74/2018 for the offences punishable under Sections 143, 147, 447, 149, 441 of IPC, are quashed.



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8. In view of disposal of the petition, pending I.As., if any, do not survive for consideration and the same stand disposed off.

Sd/-
(R. NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 1