



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 3255 OF 2026

BETWEEN:

1. MR SHAMANTHA
S/O B. PRASANNA KUMAR,
AGED ABOUT 68 YEARS,
R/AT. NO-27,
"RAGHAVENDRA NILAYA",
5TH CROSS, AZAD NAGARA,
BENGALURU - 560018.

2. SMT. P. ANITHA,
W/O R. VENKATESH,
AGED ABOUT 43 YEARS
R/AT. NO-27,
"RAGHAVENDRA NILAYA",
5TH CROSS, AZAD NAGARA,
BENGALURU - 560018.

3. MR. P. NAVEEN KUMAR
S/O B. PRASANNA KUMAR,



AGED ABOUT 40 YEARS,
R/AT. NO-27,
"RAGHAVENDRA NILAYA",
5TH CROSS, AZAD NAGARA,
BENGALURU - 560018.

4. MR. R. VENKATESH,
S/O T. RAMAIAH,
AGED ABOUT 47 YEARS,
R/AT. NO-27,
RAGHAVENDRA NILAYA,
5TH CROSS, AZAD NAGARA,
BENGALURU - 560018.

...PETITIONERS

(BY SRI. BHARATH KUMAR VINDHYALA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY
CHAMARAJPET POLICE STATION,
BENGALURU - 560 018
BY SPP,
HIGH COURT BUILDING
BENGALURU - 560 001

...RESPONDENT

(BY SRI. B.N. JAGADEESHA, ADDL. SPP)



THIS CRL.P IS FILED U/S 482 OF CR.P.C. (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A. QUASH THE ORDER DATED 23.09.2025 IN PCR NO.17967/2025 ON THE FILE OF THE HONBLE V ACJM BANGALORE AND ETC.

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, seeking the following prayer:

- "a) Call for the records in PCR No-17967/2025 on the file of the Hon'ble V ACJM, Bangalore filed by the 2nd respondent for an offences punishable under sections 468, 417 & 34 of Indian Penal Code and in interest of justice.
- b) Quash the order dated 23-09-2025 in PCR No-17967/2025 on the file of the Hon'ble V ACJM, Bangalore in interest of justice.
- c) Pursuant to the same, Quash the FIR against the petitioners registered in Crime No. 334/2025 by the first respondent Chamarajpet police for an offences punishable under sections 468, 417 & 34 of Indian Penal Code on the file of the Hon'ble V ACJM, Bangalore, in the interest of justice.
- d) Quash the entire proceedings in PCR No-17967/2025 on the file of the Hon'ble V ACJM, Bangalore in interest of justice.



- e) To pass such other order or orders as this Hon'ble Court deems fit to grant in the circumstances of the case in the interests of justice and equity."

2. Heard Sri. Bharath Kumar Vindhya, learned counsel appearing for the petitioners, Sri. B.N. Jagadeesha, learned Addl. SPP appearing for respondent No.1 and have perused the material on record.

3. The petitioners are accused Nos.1 to 4. The second respondent is the complainant. They too have several civil proceedings pending before the concerned Court. Therefore, the complainant appears to have knocked at the doors of the jurisdictional learned Magistrate invoking Section 200 of Cr.P.C. The complaint itself is registered on 30.08.2025. The complaint ought to have been under Section 223 of the BNSS. Be that as it may.

4. Learned Magistrate also passes an order under Section 156(3) of the Cr.P.C. The order reads as follows:

"ORDER

Heard by counsel for petitioner.

Office after verification endorsed that, the complaint comes within jurisdiction of this court. The complainant has filed this complaint U/sec.200 of Cr.P.C.,



alleging the offences U/sec.420, 468 R/W Sec.34 of IPC against the accused persons.

The advocate for complainant has filed compliance affidavit of complainant. The complainant has filed affidavit about correctness and truthfulness of complaint averments.

On perusal of the records it reveals that, the complainant before approaching this court has filed complaint before the Chamarajpet police station on 02.04.2025, Bangalore, since the Chamarajpet Police have not taken any steps against the accused persons, and after that the complainant has filed the complaint before the Commissioner of Police on 19-04-2025. the complainant has complied Sec.154 of Cr.P.C.

The complainant has produced necessary documents and complied the decision of Hon'ble Supreme Court in the case of **Priyanka Srivastav V/s State of U.P.,**

The allegations made by the complainant in his complaint discloses the commission of cognizable offences. Hence, I proceed to pass the following:

ORDER

Office is hereby directed to register the PCR.

Acting U/sec.156(3) of Cr.P.C., the complaint is referred to Chamarajpet police station for investigation.

Call on for report by:23/10/2025."

5. The order is passed on 23.10.2025. Learned Magistrate appears to have blissfully ignored the procedure that is to be followed under the BNSS for making a reference after the onset of BNSS which is 01.07.2024. Therefore, on this short ground, all further proceedings taken pursuant to the reference



being made under Section 156(3) of the Cr.P.C., which ought to have been under Section 175(3), the petition deserves to succeed *albeit* in-part.

6. For the aforesaid reasons, the following:

ORDER

- (i) The petition is allowed-in-part.
- (ii) The order of reference under Section 156(3) of the Cr.P.C. and all consequential actions stand obliterated.
- (iii) The matter is remitted back to the hands of the learned Magistrate, who would pass necessary orders upon PCR No.17967/2025 strictly following the procedure stipulated under Section 175 of the BNSS within an outer limit of four (4) weeks from the date of receipt of a copy of this order, if not earlier.

SD/-
(M.NAGAPRASANNA)
JUDGE

SJK
List No.: 1 Sl No.: 26
CT:SG