



NC: 2025:KHC:41518
CRL.P No. 5413 of 2024
C/W CRL.P No. 6301 of 2024
CRL.P No. 6426 of 2024
AND 4 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 5413 OF 2024
(482(Cr.PC)/528(BNSS))

C/W

CRIMINAL PETITION NO. 6301 OF 2024

CRIMINAL PETITION NO. 6426 OF 2024

CRIMINAL PETITION NO. 6440 OF 2024

CRIMINAL PETITION NO. 7183 OF 2024

WRIT PETITION NO. 9253 OF 2024 (GM-RES)

WRIT PETITION NO. 26603 OF 2024 (GM-RES)

IN CRL.P.No. 5413/2024

BETWEEN:

MR. SIDDALINGAPPA,
SHOWN AS SIDDALINGAPPA B. POOJARI,
AGED ABOUT 46 YEARS,
S/O BUTALI PUJARI,
R/O NO. 99/12, BULL TEMPLE ROAD,
NEXT TO RAMA KRISHNA ASHRAMA,
BASAVANGUDI,
BENGALURU - 560019,
SHOWN AS MANAGING DIRECTOR,
MARKETING, COMMUNICATION
AND ADVERTISING LIMITED,
MC AND A HOUSE, 42 MILLERS
ROAD, BENGALURU - 560052.

...PETITIONER

(BY SRI. KRISHNA S. VYAS., ADVOCATE)



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AND:

1. THE STATE BY
HIGH GROUNDS POLICE,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
PROSECUTOR'S OFFICE,
HIGH COURT OF KARNATAKA,
AMBEDKAR VEEDHI,
BENGALURU - 560001.
2. MR. ABRAHAM T. J.
S/O LATE SRI JOSEPH T. A.,
AGED ABOUT 63 YEARS,
R/O NO.2326,
ASHIRWAD, 2ND A CROSS,
16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
SRI. RANGANATH REDDY, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.PC PRAYING THAT
THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE
THE IMPUGNED ORDER OF COGNIZANCE DATED 09.02.2024
VIDE ANNEXURE-D, PASSED IN PCR NO.621/2024, PENDING
ON THE FILE OF THE LEARNED 42ND ADDL. CMM AT
BENGALURU, FOR THE OFFENCE P/U/S 34, 35, 120A AND B,
202, 203, 409, 417, 420, 467 AND 468 OF IPC.



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IN CRL.P.NO. 6301/2024

BETWEEN:

SMT. PUNITHA K. C.
AGED ABOUT 40 YEARS,
D/O CHAKRAPANI S.,
W/O VENKATESH T. V.,
R/A NO.112, SHVAKRUPA,
2ND FLOOR UNIVERSITY LAYOUT,
RAJARAJESHWARI NAGAR,
BEHIND KARYPPA PARK,
BANGALROE NORTH-560098.

ALSO AT:
NO.398, THOREBOMMANAHALLI,
THORE BOMMANAHALLI,
HONNANAYAKANAHALLI,
MANDYA, KARNATAKA-571422.

...PETITIONER

(BY SRI. PRASHANTH S. H., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
HIGH GROUNDS POLICE STATION,
BANGALORE,
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BANGALORE - 560001.
2. MR. ABRAHAM T. J.
S/O LATE SRI JOSEPH T. A.,
AGED ABOUT 63 YEARS,
R/O NO.2326,



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ASHIRWAD, 2ND A CROSS,
16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
SRI. RANGANATH REDDY, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR NO.47/2024 FOUND AT ANNEXURE-A FILED BY THE HIGH GROUNDS POLICE, BANGALORE, IN SO FAR AS THE PRESENT PETITIONER IS CONCERNED, ARISING OUT OF PCR NO.621/2024, ABRAHAM T.J. VS SRI MURUGESH RUDRAPPA NIRANI AND 11 OTHERS DISPOSED OFF BY THE LEARNED 42ND ACMM (SPECIAL COURT FOR TRIAL OF CASES AGAINST SITTING AS WELL AS FORMER MPS/MLAS, TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA) FOR ALLEGED OFFENCE P/U/S 34, 35, 120A AND B, 202, 203, 409, 417, 420, 467 AND 468 OF THE IPC.

IN CRL.P.NO. 6426/2024

BETWEEN:

SMT. RASHMI YADATI,
AGED ABOUT 46 YEARS,
D/O NARASIMHA MURTHY K.,
W/O SRI RAVISHANKAR YADATI,
R/AT NO.K-401, WOOD ROSE,
THE ETA GARDENS APARTMENT,
NEAR ANGALAPARAMESHWARI TEMPLE,
BINNYSTON, MAGADI ROAD,
BENGALURU.



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ALSO AT:
NO.16/78, 2ND FLOOR,
12TH MAIN, II BLOCK,
RAJAJINAGAR,
BANGALORE - 560010.

...PETITIONER

(BY SRI. PRASHANTH S. H., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
HIGH GROUNDS POLICE STATION,
BANGALORE,
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BANGALORE 560001.
2. MR. ABRAHAM T. J.
S/O LATE JOSEPH T. A.,
AGED ABOUT 63 YEARS,
R/AT NO.2326,
ASHIRWAD, 2ND A CROSS,
16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
SRI. RANGANATH REDDY, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.PC PRAYING
THAT THIS HONOURABLE COURT MAY BE PLEASED TO
QUASH THE FIR NO.47/2024 FOUND AT ANNEXURE-A
FILED BY THE HIGH GROUNDS POLICE, BANGALORE, IN SO
FAR AS THE PRESENT PETITIONER IS CONCERNED,
ARISING OUT OF PCR NO.621/2024 ABRAHAM T.J. VS. SRI



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MURUGESH RUDRAPPA NIRANI AND 11 OTHERS DISPOSED OFF BY THE LEARNED 42ND ACMM (SPECIAL COURT FOR TRIAL OF CASES AGAINST SITTING AS WELL AS FORMER MPS/MLAS, TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA) FOR ALLEGED OFFENCE P/U/S.34, 35, 120A AND B, 202, 203, 409, 417, 420, 467 AND 468 OF THE IPC.

IN CRL.P.NO. 6440/2024

BETWEEN:

SMT. VEDAVATHI G.
AGED ABOUT 36 YEARS,
D/O LATE G. GOVINDARAJU,
W/O RAKESH KUMAR R.,
R/AT NO.16, GOPALAPURA,
RLY GOLAHALLI POST,
DASANAPURA HOBLI,
BANGALORE NORTH - 562 162.

...PETITIONER

(BY SRI. PRASHANTH S. H., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
HIGH GROUNDS POLICE STATION,
BANGALORE,
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BANGALORE 560 001.
2. MR. ABRAHAM T. J.
S/O LATE JOSEPH T. A.,
AGED ABOUT 63 YEARS,
R/AT NO.2326,



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ASHIRWAD, 2ND A CROSS,
16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
SRI. RANGANATH REDDY, ADV. FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR NO.47/2024 FOUND AT ANNEXURE-A FILED BY THE HIGH GROUNDS POLICE, BENGALURU IN SO FAR AS THE PRESENT PETITIONER IS CONCERNED ARISING OUT OF PCR NO.621/2024 ABRAHAM T J VS. SRI.MURUGESH RUDRAPPA NIRANI AND 11 OTHERS DISPOSED OFF BY THE LEARNED 42ND ACMM (SPECIAL COURT FOR TRIAL OF CASES AGAINST THE SITTING AS WELL AS FORMER MPS/MLAS TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA) FOR ALLEGED OFFENCE P/U/S. 34, 35, 120-A AND B, 202, 203, 409, 417, 420, 467, 468 OF IPC, 1860.

IN CRL.P NO. 7183/2024

BETWEEN:

1. MR. KANTHARAJ K. M.
S/O MARIDEVARU K. C.,
AGED ABOUT 38 YEARS,
R/AT NO.29, 5TH CROSS,
VENKATESHWARA LAYOUT,
ABBIGERE, BENGALURU CITY,
PINCODE - 560090.



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2. MRS. RAJESHWARI R. T.
W/O K. B. MUTHAPPA,
AGED ABOUT 39 YEARS,
R/AT NO.L67/A, MAHESHWARI,
KIRLOSKER COLONY, KAMALANAGAR,
BENGALURU - 560079.

...PETITIONERS

(BY SRI. PARAMESHWARAPPA C., ADVOCATE)

AND:

1. STATE BY HIGH GROUNDS
POLICE STATION, BENGALURU,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AT BENGALURU - 560001.
2. ABRAHAM T. J.
S/O LATE JOSEPH T. A.,
AGED ABOUT 63 YEARS,
R/AT NO.2326,
ASHIRWAD, 2ND A CROSS,
16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
R2 IS SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.PC PRAYING
THAT THIS HONOURABLE COURT MAY BE PLEASED TO
QUASH THE FIR NO.47/2024 REGISTERED BY THE HIGH
GROUNDS POLICE STATION IN CONNECTION WITH PCR
NO.621/2024 PENDING ON THE FILE OF THE LEARNED



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42ND ACMM, (SPECIAL COURT FOR TRIAL OF CASES AGAINST SITTING AS WELL AS FORMER MPS/MLAS), TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA) AGAINST THESE PETITIONERS AND OTHER ACCUSED FOR THE OFFENCES P/U/S.34, 35, 120A AND B, 202, 203, 409, 417, 420, 467 AND 468 OF IPC, 1860, BY ALLOWING THIS PETITION.

IN WP NO. 9253/2024

BETWEEN:

SRI MURUGESH RUDRAPPA NIRANI
S/O RUDRAPPA,
AGED ABOUT 57 YEARS,
R/O KULALI CROSS,
MUDHOL TALUK,
BAGALKOT-587313.

...PETITIONER

(BY SRI. AJAY KADKOL T., ADVOCATE A/W
SRI. SANATH KUMAR H., ADVOCATE AND
SMT. PRIYANKA J. SREDHARA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY STATION HOUSE OFFICER,
HIGH GROUNDS POLICE STATION,
BANGALORE-560001.
2. ABRAHAM T. J.
S/O LATE SRI JOSEPH T. A.,
AGED 63 YEARS,
R/O NO.2326,
ASHIRWAD, 2ND A CROSS,



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16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
SRI. RANGANATH REDDY, ADV. FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 09.02.2024 PASSED BY THE XLII ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU CITY, IN PCR NO.621 OF 2024, BY WHICH ORDER THE TRIAL MAGISTRATE PRESUMABLY IN THE EXERCISE OF ITS POWERS UNDER SECTION 156(3) OF THE CODE OF CRIMINAL PROCEDURE HAS DIRECTED THE STATION HOUSE OFFICER ATTACHED TO HIGH GROUNDS POLICE STATION, BENGALURU CITY i.e., THE R-1 TO INVESTIGATE THE COMPLAINT FILED BY THE R-2 HEREIN, IN WHICH COMPLAINT THE PETITIONER HEREIN IS ARRAIGNED AS ACCUSED NO.1 FOR THE ALLEGED COMMISSION OF OFFENCES WHICH ARE MADE PENAL UNDER SECTIONS 34, 35, 120-AND B, 202, 203, 407, 417, 420, 467 AND 468 OF THE INDIAN PENAL CODE, WHICH IS PRODUCED AS ANNEXURE-C IN SO FAR AS PETITIONER IS CONCERNED.

IN WP NO. 26603/2024

BETWEEN:

1. DR. E.V. RAMANA REDDY IAS (R).,
S/O RAMACHANDRA REDDY,
AGED 61 YEARS,
OCCUPATION: RETD. ACS AND
DEVELOPMENT COMMISSIONER,
GOVT. OF KARNATAKA,



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CURRENTLY WORKING AS CHAIRMAN,
KARNATAKA SKILL DEVELOPMENT AUTHORITY,
R/A NO.48, 15TH CROSS,
15TH MAIN, SECTOR 4, HSR LAYOUT,
AGARA, KORAMANGALA,
BENGALURU-560034.

PRESENTLY R/AT: NO.301,
PARK SQUARE APARTMENTS,
19TH MAIN, SECTOR 4,
HSR LAYOUT,
BENGALURU-560102.

SHOWN IN THE FIR AS:
RAMANNA REDDY E. V.,
3RD FLOOR, VIDHANA SOUDHA,
BENGALURU CITY,
KARNATAKA-560001.

...PETITIONER

(BY SRI. PRASANNA KUMAR P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HIGH GROUNDS P.S.,
SESHADRIPURAM SUB-DIVISION,
BENGALURU CITY,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU-560001.



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2. ABRAHAM T. J.
S/O JOSEPH T. A.,
AGED 63 YEARS,
R/AT NO.2326,
ASHIRWAD, 2ND A CROSS,
16TH B MAIN, HAL 2ND STAGE,
INDIRANAGARA,
BENGALURU - 560008.

...RESPONDENTS

(BY SRI. B.N. JAGADEESH, ADDL. SPP FOR R1;
SRI. RANGANATH REDDY, ADV. FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 482 OF CR.P.C., PRAYING TO QUASH THE FIR AND COMPLAINT PCR.NO.321/2024 IN CRIME NO.47/2024 DATED 06-03-2024 REGISTERED BY THE R1/HIGH GROUNDS POLICE AS AGAINST THE PETITIONER HEREIN AND 11 OTHERS WHEREIN THE PETITIONER HAS BEEN ARRAYED AS ACCUSED NO.2 ALLEGING COMMISSION OF OFFENCES PUNISHABLE UNDER SECTIONS 120A, 120B, 202, 203, 409, 417, 420, 467, 468, 34 AND 35 OF IPC WHICH IS SUBMITTED BEFORE THE XLII ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU (WRONGLY SHOWN IN THE FIR AS 42ND ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE CITY), IN SO FAR AS THE PETITIONER/ACCUSED NO.2 HEREIN IS CONCERNED, PRODUCED VIDE ANNEXURES-A AND B RESPECTIVELY.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



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COMMON ORDER

In all these petitions, the order of Magistrate referring the complaint for investigation and calling for report under Section 156(3) of Cr.P.C. are called in question and in light of similarity of order of challenge, all matters are taken up and disposed of by this common order.

2. The petitioners have called in question the validity of the order dated 09.02.2024, whereby the Magistrate has referred the complaint under Section 156(3) of Cr.P.C. for investigation. The petitioners have raised various contentions including that while referring the complaint for investigation to the police authorities, there must be application of mind which must be reflected in the order.

3. It is submitted that the order dated 30.01.2024 only deals with the requirement of affidavit and the shortcoming in that regard has been rectified while



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referring to the mandate of the Apex Court in ***Priyanka Srivastava and another vs. State of UP and others*** reported in ***(2015) 6 SCC 287***. It is submitted that insofar as the application of mind required while referring the matter for investigation, same is absent. It is stated that the order dated 09.02.2024 cannot stand the test of legal scrutiny.

4. It is noticed that the Magistrate by order dated 30.01.2024 after taking note of the mandate of the Apex Court in the case of ***Priyanka Srivastava***, has found that the affidavit was not in accordance with the requirement of compliance with Section 154(1) and (3) of Cr.P.C. Subsequently, it is noticed that after the order of 30.01.2024, fresh affidavit was filed in compliance with the previous orders of the Magistrate.

5. The Magistrate has then passed an order on 09.02.2024. A perusal of the said order would indicate that the Magistrate has only referred to the requirement of



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filing of affidavit as laid down in **Priyanka Srivastava's** case. However, a close scrutiny of paragraph No.15 would indicate that application of mind as is required while passing order referring the matter for investigation and report under Section 156(3), is absent. The application of mind must be reflected in the order and the order must be a speaking order.

6. The position in law regarding application of mind is a settled position and the Magistrate is required to pass an order in compliance with legal requirement. The order at Annexure-D cannot stand legal scrutiny. The Court may take note of the legal mandate of the Apex Court in the case of **Ramdev Food Products Private Limited vs. State of Gujarat** reported in **2015 (6) SCC 439** as also **Anurag, Bhatnagar vs. State (NCT of Delhi)** reported in **2025 SCC Online SC 1514** as well as other judgments on the point as may be placed by the parties.



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7. Accordingly, the petitions are ***disposed of***. The order dated 09.02.2024 passed in PCR.No.621/2024 is set aside and remitted for fresh consideration. The consequential order dated 07.06.2024 is set aside, the Crime No.47/2024 registered by the respondent-police is set aside and the matter is restored to the stage of post filing of PCR. All contentions are kept.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

MCR