



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 103008 OF 2022

(482(CR.PC)/528(BNSS))

BETWEEN:

1. NATARAJ S/O. APPANNA POTADAR
AGED ABOUT 52 YEARS, OCC. BUSINESS,
R/O. #363, 4TH CROSS, BAGYANAGAR, BELAGAVI,
AND ALSO PLOT NO.13 NEAR TO ESCORT TRACTOR
SHOWROOM MARUTI NAGAR, BELAGAVI,
NOW R/O. PLOT NO.58, KALMESHWAR COLONY,
ANAGOLA BELAGAVI, DIST. BELAGAVI-590001.
2. PRAMOD S/O. NATARAJ POTADAR
AGED ABOUT 28 YEARS, OCC. PVT. WORK,
R/O. #363, 4TH CROSS, BAGYANAGAR, BELAGAVI,
AND ALSO PLOT NO.13 NEAR TO ESCORT TRACTOR
SHOWROOM MARUTI NAGAR, BELAGAVI,
NOW R/O. PLOT NO.58, KALMESHWAR COLONY,
ANAGOLA BELAGAVI, DIST. BELAGAVI-590001.
3. RAJESWARI W/O. APPANNA POTADAR
AGED ABOUT 45 YEARS, OCC. HOUSEHOLD WORK,
R/O. #363, 4TH CROSS, BAGYANAGAR, BELAGAVI,
AND ALSO PLOT NO.13 NEAR TO ESCORT TRACTOR
SHOWROOM MARUTI NAGAR, BELAGAVI,
NOW R/O. PLOT NO.58, KALMESHWAR COLONY,
ANAGOLA BELAGAVI, DIST. BELAGAVI-590001.



...PETITIONERS

(BY SRI. S.B. DODDEGOUDRA, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
THROUGH UDYAMBAG P.S.
SPP, HIGH COURT BUILDING,
DHARWAD-580008.
2. VIKRAM NANASAHEB DESAI
AGE. 42 YEARS, OCC. BUSINESS,
R/O. PLOT NO.14, ANAND NAGAR,
03RD CROSS, VADAGNVA BELAGAVI,
DIST. BELAGAVI-590001.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;
NOTICE SERVED TO R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C.
SEEKING TO QUASHING THE ENTIRE PROCEEDINGS AGAINST
THE PETITIONERS/ACCUSED NO. 1 TO 3 IN CC NO.999/2019
ARISING OUT OF UDYAMBAG P.S. CRIME NO. 03/2019
REGISTERED BY THE RESPONDENT NO.1 FOR THE ALLEGED
OFFENCES PUNISHABLE U/SEC. 420, 506 R/W 34 OF IPC,
PENDING ON THE FILE OF JMFC IV COURT BELAGAVI IN SO FAR
AS THE PETITIONERS/ACCUSED NO. 1 TO 3 ARE CONCERNED
AND GRANT ANY OTHER RELIEF BY ALLOWING THIS CRIMINAL
PETITION, IN THE INTEREST OF JUSTICE.

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



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri. S. B. Doddagoudar, learned counsel for the petitioners and Smt. Kirtilata R. Patil, learned High Court Government Pleader for respondent No.1-State.

2. Petitioners are accused Nos.1 to 3 in C.C. No.999/2019, seeking the following relief:

"Wherefore, it is most humbly prayed that this Hon'ble Court be pleased to allow the above criminal petition by quashing the entire proceedings against the petitioners/accused Nos.1 to 3 in CC No.999/2019 arising out of Udyambag P.S. Crime No.03/2019 registered by the respondent No.1 for the alleged offences punishable under Sections 420, 506 read with Section 34 of IPC, pending on the file of JMFC IV Court Belagavi insofar as the petitioners/accused No.1 to 3 are concerned and grant any other relief in the interest of justice and equity."

3. Facts in nutshell which are utmost necessary for disposal of the present petition are as under:

4. Respondent No.2 filed a complaint with the Udyambag Police Station, Belagavi, alleging the commission



of the offences under Sections 420, 406 and 506 read with Section 34 of Indian Penal Code, 1860¹, by contending that all the accused persons agreed to sell a constructed house with RCC roof situated at Kalmeshwara Colony and obtained a sum of Rs.23,50,000/- and they did not sell the same nor returned the amount. When the complainant demanded the return of the money, all the petitioners gave him a life threat.

5. After registering the case police have investigated the matter and filed charge sheet against the petitioners.

6. Learned Trial Magistrate took cognizance of the offences and registered the criminal case and issued process.

7. The said order is called in question in this petition by contending that the alleged dispute between the parties is civil in nature.

¹ For short, 'IPC'



8. It is contended that if respondent No.2 has a claim, it can be addressed through a suit for specific performance, and therefore, filing a criminal case in a matter of this nature is totally unwarranted and sought for quashing the pending criminal case.

9. *Per contra*, learned High Court Government Pleader for respondent No.1-State supports the order taking cognizance and issuance of process.

10. Respondent No.2 is served with the notice of the petition and remained absent.

11. Having heard the arguments of both sides, this Court perused the material on record meticulously.

12. On such perusal of the material on record, as could be seen from the material on record including the photograph filed by the petitioners themselves, the building is not yet completed.

13. If that is so, why did they received a sum of Rs.23,50,000/- from the respondent No.2 is a question that remains unanswered.



14. Be it what it may. Neither the amount is returned nor the property is sold in favour of respondent No.2 by the petitioners.

15. Copy of the agreement that has been placed on record envisages that the property would be sold in favour of respondent No.2.

16. Under such circumstances, when the complainant has demanded the return of money, there was a life threat given to the complainant and that has been investigated and charge sheet came to be filed for the offence under Section 506 of IPC as well.

17. Therefore, there is an entrustment of money as could be seen from the material on record and *prima facie* offence under Section 506 of IPC gets attracted.

18. Further, since the money is retained by the petitioners and property is also not sold, there is a wrongful gain to the petitioners herein resulting in corresponding wrongful loss *prima facie* to the respondent No.2.



19. Accordingly, no case is made out to quash the pending criminal case.

20. Hence, the following:

ORDER

- (i) The petition is ***dismissed***.
- (ii) All the contentions are kept open to be urged in the pending trial in accordance with law.

**Sd/-
(V.SRISHANANDA)
JUDGE**