IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200089 OF 2026

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

BETWEEN:

1. MALLANAGOUDA PATIL
S/O NINGANAGOUDA
AGE: 51 YEARS
OCC: EMPLOYEE OF K.B.S BANK
NOW WORKING AT K.B.S BANK
BR: SHAHAPUR, TQ: YADGIR
R/O BALAWAT, TQ: MUDDEBIHAL
DIST: VIJAYAPUR

2. PRATAP REDDY
@ REDDY PRATAPAGOUDA
S/O R. SHIVARAMANNAGOUDA
AGE: 42 YEARS
OCC: EMPLOYEE OF K.B.S BANK
BR: LINGASUGUR, TQ: LINGASUGUR
R/O CHETNAHALLI DIST: KURNOOL
NOW WORKING AT K.B.S BANK
BR: RAICHUR, TQ: RAICHUR

3. PRASAD B. S. S/O BALAYYA
AGE: 44 YEARS
OCC: EMPLOYEE OF K.B.S BANK
BR: LINGASUGUR
TQ: LINGASUGUR, DIST: RAICHUR
R/O GOREBAL CAMP

DIST: RAICHUR

...PETITIONERS

(BY SRI. RAJESH DODDAMANI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH LINGASUGUR POLICE STATION
LINGASUGUR
NOW REPRESENTED BY
ADDITIONAL SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585103

2. SHEIKH MOHAMMAD S/O SHEIKH HUSSAIN
AGE: 41 YEARS
OCC: OWNER OF SK CELL ZONE
MOBILE SHOP.,
R/O KAKA NAGAR, HUTTI
TQ: LINGASUGUR
DIST: RAICHUR-584101

...RESPONDENTS

(BY SRI.VEERANAGOUDA MALIPATIL, HCGP FOR R1;
SMT. ANITA M. REDDY ADV., FOR R2)

THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD) PRAYING TO ALLOW THIS PETITION AND QUASH THE CHARGE SHEET AND ORDER OF TAKING COGNIZANCE DATED 12-06-2025 PASSED BY THE HONOURABLE PRL. CIVIL JUDGE AND JMFC., LINGASUGUR IN CC NO.917/2025 FOR THE OFFENCES PUNISHABLE U/S 468, 420, 175 OF INDIAN PENAL CODE, NOW PENDING ON THE FILE OF THE HONOURABLE PRL. CIVIL JUDGE AND JMFC., LINGASUGUR IN CC NO.917/2025 (ARISING OUT OF CRIME NO.11/2025 OF LINGASUGUR POLICE STATION) IN SO FAR AS ACCUSED NO.1 TO 3 (AS PER CHARGE SHEET) IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioners/accused Nos.1 to 3 in C.C.No.917/2025, arising out of Crime No.11/2025 registered by Lingasugur Police Station, Raichur District, for the offence punishable under Sections 468, 420 and 175 of Indian Penal Code, 1860 (for short, 'IPC'), pending on the file of Civil Judge and JMFC, Lingasugur.

2. The abridged facts of the case are, respondent No.2 lodged a complaint before the respondent No.1-Police on 09.01.2025 alleging that, he had availed loan of Rs.2,00,000/- from Krishna Bheema Samruddi Bank on 18.05.2013 and repaid the entire loan amount through loan A/c No.90556000000035. Despite, on 27.12.2024 he received a notice from the said Bank that his loan is still due. Immediately, he approached the Bank Manager and staff of the said Bank, then, he came to know that the said

Bank Officials forged the records and created a new account i.e. A/c bearing No.19090136810 in his name and claimed that he had availed loan of Rs.2,00,000/-. On the strength the said complaint, FIR came to be registered by the respondent No.1-Police in Crime No.11/2025 on 09.01.2025 for the aforementioned offences. Subsequently, the respondent No.1-Police investigated the case and laid charge sheet against the petitioners for the aforementioned offences. The learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners are before this Court.

3. Heard learned counsel for the petitioners, learned High Court Government Pleader for respondent No.1-State and learned counsel for respondent No.2.

4. Apart from urging several contentions learned counsel for the petitioners contented that, respondent No.2 availed loan of Rs.2,00,000/- in the year 2013 and was repaying the same through his loan A/c bearing No.90556000000035 till the year 2017. Thereafter, during

migration of the accounts, his loan A/c No.90556000000035 was changed and continued in A/c No.19090136810. However, thereafter, respondent No.2 regularly repaid the loan amount by depositing substantial amount till the year 2020 to A/c bearing No.19090136810.

5. Later on 16.07.2024, respondent No.2 filed a representation to the Bank for One Time Settlement (OTS) of the loan amount pending in Loan A/c No. 19090136810. Despite a false complaint has been lodged by respondent No.2 stating that he was totally unaware about subsequent Loan A/c No.19090136810. In such circumstances, he submits that in order to overcome from the defaulted loan amount and also from the criminal case filed against his father by the petitioner's Bank in Crime No.259/2020 for having sold the property mortgaged to the petitioner Bank for the loan transaction of respondent No.2, this complaint has been lodged as a counter blast. Accordingly, he prays to allow the petition.

6. *Per contra,* learned counsel for respondent No.2 vehemently contended that, at the outset respondent No.2 disputed the signature in the representation/letter dated 16.07.2024, submitted by him for One Time Settlement. She also contended that, respondent No.2 repaid the entire loan amount till 2020. Despite, petitioners-Bank officials issued legal notice. At that time, it came to the knowledge of the respondent No.2 that they have forged and created a new account in the year 2014.

7. She also contended that, in the original suit filed by the Bank for recovery of loan amount in O.S.No.50/2021, it has been stated by the Bank authorities that A/c No.19090136810 is opened in the year 2014 while existence of earlier account. In such circumstances, she prays that for illegal gain the Bank authorities, forged the signature of respondent No.2 and created a new account. Accordingly, prays to dismiss the petition.

8. I have given my anxious consideration both on the submission made by learned counsel for the respective parties and the documents available on record.

9. It could be gathered from the complaint and charge sheet materials, respondent No.2 has not disputed the loan of Rs.2,00,000/- availed by him from the petitioners-Bank in the year 2013 in loan A/c No.90556000000035. Admittedly, he made repayment of the loan amount by installments till the year 2017 through the said account.

10. Learned counsel for the petitioners placed statement of account details of the respondent No.2, which depicts that, from the year 2017 till the year 2020, respondent No.2 made repayment of loan amount though the A/c bearing No.19090136810 (new account).

11. Further, charge sheet materials reveal, the respondent No.2 submitted a representation on

16.07.2024 for One Time Settlement of the loan amount in loan A/c No.19090136810 for a sum of Rs.2,75,000/-.

12. It is stated by respondent No.2 that, he was totally unaware about the new A/c No.19090136810. However, the receipts placed by the learned counsel for the petitioners for the 2017, 2018 and 2019 depict that respondent No.2 made payment to new A/c No.19090136810. Hence, the contention of respondent No.2 that he was unaware about the new account number cannot be accepted.

13. No doubt in the document placed by respondent No.2 i.e. plaint and evidence in O.S.No.50/2020 reveals that the petitioners-Bank has stated that new A/c No.19090136810 was opened in the year 2014. However, the learned counsel for the petitioners contended that, an amendment application is filed to that effect.

14. Further the learned counsel for the petitioners also relied on the application filed by respondent No.2 on

07.11.2015 to the Branch Manager of petitioners-Bank requesting to extend six month time to close the loan account bearing No.90556000000035, which clarifies that a new account was not existing at that point of time. Though the respondent No.2 disputed his signature in the request letter dated 16.07.2024, the same bears the seal of the Bank and it is stated in the said letter that, respondent No.2 is ready to settle his loan account with an amount of Rs.2,75,000/- for One Time Settlement and he is ready to pay Rs.50,000/- on that day.

15. Further, it is submitted by the learned counsel for the petitioners that a case has been registered against father of respondent No.2 by the Bank authorities for sale of property which was mortgaged by him as a guarantor for the loan amount in question. The said case has been registered in Crime No.259/2020 of Lingasugur Police Station. As such, as a counter blast, this case has been registered against the petitioners.

16. On overall perusal of the materials on record, I am of the considered view that the continuation of the criminal proceedings against the petitioners is clear abuse of process of Court since the same is manifestly frivolous, vexatious and instituted with the ulterior motive for wrecking vengeance. Even if the entire allegations in the FIR and charge sheet accepted on their face value, the same do not *prima facie* constitute offences charge sheeted against the petitioners/accused Nos.1 to 3.

17. Accordingly, I proceed to pass the following;

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioners/accused Nos.1 to 3 in C.C.No.917/2025, arising out of Crime No.11/2025 registered by Lingasugur Police Station, Raichur District, for the offence punishable under Sections 468, 420 and 175 of IPC, pending on the file of Civil Judge and JMFC, Lingasugur, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SDU
LIST NO.: 1 SL NO.: 11
CT-BH