IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 23RD DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 101698 OF 2023 (482(Cr.PC)/528(BNSS))

BETWEEN:

AJEET S/O. SHRIKANT IDLI
AGE. 38 YEARS, OCC. BUSINESS,
R/O. CHINCHALI, TQ. RAIBAG,
DIST. BELAGAVI-591317.

...PETITIONER

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY ADDITIONAL STATE PUBLIC PROSECUTOR,
   BENCH AT.DHARWAD,
   KUDACHI POLICE STATION,
   DIST. BELAGAVI-580011.

2. SANTOSH KUMAR SAHADEV KAMBALE
   AGE. 53 YEARS, OCC. CDPO, RAIBAG,
   TQ. RAIBAG, DIST. BELAGAVI-591317.

3. THE TAHSILDAR
   RAIBAG, TQ. RAIBAG,
   DIST. BELAGAVI-591317.

...RESPONDENTS

(BY SRI. T.HANUMAREDDY, ADDL. GOVT. ADVOCATE)

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Location: HIGH COURT OF KARNATAKA, DHARWAD BENCH
Date: 2025.01.28 15:16:17 +0530

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH THE COMPLAINT DATED 29.07.2023 FILED BY RESPONDENT NO. 2 VIDE ANNEXURE-A AND REGISTRATION OF FIR DATED 29.07.2023 IN CRIME NO. 103/2023 REGISTERED BY RESPONDENT NO.1 KUDACHI POLICE STATION FOR THE OFFENCES PUNISHABLE U/ 406 AND 420 OF IPC VIDE ANEXURE-B AND QUASH ALL FURTHER PROCEEDINGS THEREOF.

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

CORAM: THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

1. The registration of the FIR for offences punishable under Sections 406 and 420 of the Indian Penal Code (for short, 'IPC') is challenged in this petition.

2. Respondent No.2 lodged a First Information Report alleging that he received a WhatsApp message from respondent No.3 stating that the petitioner was collecting ₹100 from Sushila Kambale for uploading an application under the Gruhalaxmi Scheme. It is further alleged that although the petitioner was operating under the Gram One initiative, for which the government pays ₹12 for each service, he was collecting ₹100 from the general public for uploading documents.

3. Heard the learned counsel for the petitioner and the learned Additional Government Advocate for respondent No.1-State.

4. A perusal of the FIR reveals that, apart from the WhatsApp message allegedly received from respondent No.3, there is no material evidence to substantiate the allegation that the petitioner was collecting ₹100 from beneficiaries for uploading documents.

5. In the absence of material evidence to establish that money was entrusted to the petitioner by the beneficiaries and that the petitioner misappropriated the same with an intent to cheat, the registration of the FIR is legally unsustainable. The basic ingredients to constitute the offences alleged against the petitioner are conspicuously absent.

6. Therefore, the continuation of the investigation would amount to an abuse of the process of law. Accordingly, I pass the following:

ORDER

i) The petition is allowed.

ii) The impugned first information report in Crime No.103/2023 registered by respondent No.1-Kudachi Police Station is hereby quashed.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

AC
Ct:vh
List No.: 1 Sl No.: 1