**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 29TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE N.S.SANJAY GOWDA

**CRIMINAL PETITION NO.101758 OF 2023
C/W
CRIMINAL PETITION NO.101759 OF 2023**

IN CRL.P.NO.101758 OF 2023:

BETWEEN:

SMT. RENUKA W/O GANGAPPA YATNALLI,
AGE. 48 YEARS, OCC. AGRICULTURE,
R/O. AT POST. MUNDAWAD,
TQ. MUNDARGI, DIST. GADAG-582118.

... PETITIONER

(BY SHRI R.H. ANGADI, ADVOCATE)

AND:

THE STATE BANK OF INDIA,
BRANCH MUNDARGI ,
R/BY ITS CHIEF MANAGER
SHRI. SATISH S/O LAKKAPPA REDDI,
AGE. 41 YEARS, OCC. MANAGER,
SBI MUNDARGI, R/O. MUNDARGI,
DIST. GADAG-582118.

... RESPONDENT

(BY SHRI G.S.HULMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH THE PRIVATE COMPLAINT FILED BY RESPONDENT BANK IN C.C.NO.225/2023, PENDING ON THE FILE OF CIVIL JUDGE AND JMFC, MUNDARGI, FOR THE ALLEGED OFFENCES P/U/SEC. 420, 464 R/W SEC. 34 OF IPC

AS AGAINST PETITIONER WHO IS ARRAYED AS ACCUSED NO.3 BE QUASHED TO MEET THE ENDS OF JUSTICE.

IN CRL.P.NO.101759 OF 2023:

BETWEEN:

1. HEMAGIRISH S/O GURUPADAPPA HAVINAL,
   AGE. 46 YEARS, OCC. AGRICULTURE.

2. SMT. MEENAKSHI W/O HEMAGIRISH HAVINAL,
   AGE. 37 YEARS, OCC. HOUSEHOLD WORK.

   BOTH ARE R/O. HEMARADDY MALLAMMA NAGAR,
   MUNDARGI, DIST. GADAG-582118.

… PETITIONERS

(BY SRI R.H.ANGADI, ADVOCATE)

AND:

THE STATE BANK OF INDIA,
BRANCH MUNDARGI,
R/BY ITS CHIEF MANAGER,
SHRI. SATISH S/O LAKKAPPA REDDI,
AGE. 41 YEARS, OCC. MANAGER,
SBI MUNDARGI, R/O. MUNDARGI,
DSIT. GADAG-582118.

… RESPONDENT

(BY SRI GIRISH S. HULMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO KINDLY ALLOW THE PETITION AND KINDLY QUASH THE PRIVATE COMPLAINT FILED BY RESPONDENT BANK IN CC NO.225/2023, PENDING ON THE FILE OF CIVIL JUDGE AND JMFC, MUNDARGI, FOR THE ALLEGED OFFENCES PUNISHABLE U/S 420, 464 R/W SEC. 34 OF IPC AS AGAINST PETITIONERS WHO ARE ARRAYED AS ACCUSED NO.1 AND 2 BE QUASHED TO MEET THE ENDS OF JUSTICE.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. These petitions are filed challenging the initiation of the proceedings against the petitioners for the offences punishable under Sections 420 and 468 read with Section 34 of Indian Penal Code.

2. The allegations in the complaint indicate that the petitioners in order to avail a loan from the Bank had mortgaged their properties and without informing the Bank they had proceeded to alienate the same.

3. According to the Bank this alienation amounts a crime for which the petitioners are required to be prosecuted.

4. Learned counsel for the petitioner submits that, as a matter of fact, the petitioners have discharged the entire loan that they have availed and therefore the Bank cannot have any grievances against the petitioners.

5. This submission of the learned counsel for the petitioners that, the loan has been repaid in full is not denied by the counsel appearing for the Bank.

6. In my view, since the loan that the petitioners had availed has been discharged in full, no useful purpose would be served by continuing the proceedings against them by the Bank and the proceedings are accordingly quashed.

Both the Criminal petitions are allowed.

Sd/-
JUDGE

EM/CT:BCK
List No.: 1 Sl No.: 44