IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200044 OF 2025

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

BETWEEN:

1. SMT. SHANTAVVA W/O KAMANNA BAJANTRI,
   AGE:39 YEARS,
   OCC: SDA O/O A.S.L.A.O OFFICE ALAMATTI,
   R/O. KUDARI SALAWADAGI,
   DIST. VIJAYAPURA–586208.

2. RAJIYABEGUM W/O KASHIMASAB MULLA,
   AGE:46 YEARS, OCC: GOVERNMENT SERVANT,
   R/O. D-51 UKP COLONY, TQ.BASAVAN BAGEWADI,
   ALMATTI, DIST.VIJAYAPURA – 586201.

...PETITIONERS

(BY SRI MANVENDRA REDDY, ADVOCATE)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   THROUGH MUDDEBIHAL POLICE STATION,
   DIST. VIJAYAPURA, NOW REPRESENTED BY,
   ADDL. SPP HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH – 585107

2. SHIVANAND SAGAR S/O PARAPPA SAGAR,
   AGE:53 YEARS, OCC: SPECIAL LAND ACQUISITION
   OFFICER, UKP, ALAMATTI - 586201

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1 AND R2)

THIS CRL.P IS FILED U/SEC. 528 OF BNSS PRAYING TO EXERCISE THE INHERENT POWERS U/SEC. 482 CR.P.C. EXAMINE THE RECORDS AND QUASH THE FIR AND COMPLAINT IN CRIME NO.154/2022 OF MUDDEBIHAL POLICE STATION, DIST. VIJAYAPURA FOR THE OFFENCE PUNISHABLE U/SEC. 419, 420, 409, 465, 467, 468, 471 R/W 149 OF IPC, PENDING BEFORE SENIOR CIVIL JUDGE AND JMFC COURT AT MUDDEBIHAL, AGAINST THE PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

Accused Nos.3 and 4 in Crime No.154/2022 registered by Muddebihal Police Station, Vijayapur district for the offences punishable under Sections 419, 420, 409, 465, 467, 468, 471 read with Section 149 of IPC, which is pending before the Court of Senior Civil Judge and JMFC at Muddebihal are before this Court under Section 528 of BNSS, 2023 with a prayer to quash the entire proceedings in the aforesaid case as against them.

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioners submits that petitioners are Government Servants and by making general and omnibus allegations, they are implicated in the impugned criminal proceedings. He submits that this Court in Criminal Petition No.201827/2023 has already quash the impugned criminal proceedings as against accused No.2 is concerned. He submits that though FIR has been registered in the year 2022, till date charge sheet has not been filed and the pendency of the criminal case has been causing untold hardship to the petitioners, who are Government Servants. Accordingly, he prays to allow the petition.

4. Per contra, learned High Court Government pleader who was directed to take notice for the respondents, on instructions submits that respondent No.2 has filed an affidavit before the Investigation Officer stating that the amount which was disbursed to wrong persons has been re-deposited and therefore, he does not intend to prosecute the complaint made by him. It is

under these circumstances, further investigation in the case has not been done. She has produced the copy of the affidavit submitted by respondent No.2 dated 14.11.2024.

5. Perusal of the said affidavit would reveal that the entire amount of Rs.6,83,024/-, which was wrongly disbursed to wrong persons has been re-deposited and it is stated that the State has not suffered any loss as a result of the mistake committed by the accused persons and accordingly, a prayer is made to close the complaint.

6. In view of the aforesaid aspects of the matter, I am of the opinion that no purpose would be served in continuing the impugned criminal proceedings as against the petitioners. Accordingly, following:

ORDER

The criminal petition is allowed.

The entire proceedings in Crime No.154/2022 registered by Muddebihal Police Station, Vijayapur district

for the offences punishable under Sections 419, 420, 409, 465, 467, 468, 471 read with Section 149 of IPC, which is pending before the Court of Senior Civil Judge and JMFC at Muddebihal, as against the petitioners/accused Nos.3 and 4 stands quashed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 Sl No.: 59
CT:PK