NC: 2025:KHC-K:3613
CRL.P No. 200207 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 200207 OF 2025

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

BETWEEN:

JAGADISHA PRAKASH
AGE:65 YEARS,
OCC: NOW RETIRED FROM SERVICE,
R/O. LINGASUGUR, TQ.LINGASUGUR,
DIST.RAICHUR – 584101.

…PETITIONER

(BY SRI. SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA,
   THROUGH LINGASUGUR POLICE STATION,
   DIST.RAICHUR – 584101,
   R/BY ADDL. SPP HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH – 585107.

2. THE TAHASILDAR
   LINGASUGUR AND ADMINISTRATOR,
   THE AMARESHWARA DEVASTHANA DEVARABHUPUR,
   TQ.LINGASUGUR, DIST.RAICHUR – 584101.

…RESPONDENTS

(BY SMT. ARATI PATIL ,HCGP)

THIS CRL.P IS FILED U/S. 528 OF BNSS,2023 PRAYING TO QUASH THE FIR, COMPLAINT AND CHARGE SHEET REGISTERED AGAINST THE PETITIONER/SOLE ACCUSED IN C.C. No.538/2017 (LINGASUGUR PS CRIME No.70/2015 DIST RAICHUR) FOR THE OFFENCES PUNISHABLE U/SECS.406 AND 420 OF IPC PRL. CIVIL JUDGE AND JMFC, LINGASUGUR, DISTRICT RAICHUR.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

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

1. Heard Sri. Shivanand V. Pattanashetti, learned counsel for the petitioner and learned High Court Government Pleader for the respondents.

2. This petition is filed under Section 482 of Cr.P.C., with the following prayer:

> *"Wherefore, for the reasons stated above amongst others, it is humbly prayed that, the Hon'ble Court be pleased to quash the FIR, complaint and charge-sheet registered against the petitioner/Sole Accused in C.C.no.538/2017 (Lingasugur P.S.Crime No.70/2015, dist Raichur) for the offences punishable U/Sec. 406 and 420 of IPC, Prl. Civil Judge and JMFC,*

Lingasugur, District Raichur, in the interest of justice and equity.

3. The facts in brief which are utmost necessary for disposal of the present petition are as under:

3.1. Sri. Radhesham, being the Tahasildar of Lingasugur, lodged a complaint with the Lingasugur Police Station on 25.03.2015 for the offences punishable under Sections 406, 420 of IPC.

3.2. Gist of the complaint averments would reveal that, Tahasildar being the ex-officio Secretary of Amareshwar Temple, had placed an order for white wash and colour wash in the light of the Jatra festival and therefore, issued a cheque in a sum of Rs.4,52,000/- bearing No.09529 on 09.02.2015 as per the estimate made by the present petitioner.

3.3. While awarding work order, a condition was imposed stating that, well before the Jatra festival, the work of white wash and colour wash should be completed.

3.4. However, the white wash and colour wash could not take place for various other reasons and action was sought for misappropriation of the amount.

3.5. After registering the FIR, the petitioner herein has repaid the amount in a sum of Rs.6,02,000/- to the Temple authorities by way of two cheques, which would not only cover the amount that has been received, but also some extra amount.

3.6. It is the case of the petitioner that, the work could not be completed due to the reasons which are beyond his reach, therefore, the amount was repaid.

4. This Court in order to find out the veracity of the submissions made on behalf of the petitioner, directed the learned High Court Government Pleader to secure the presence of the present Tahasildar of Lingasugur.

5. Sri. Mallappa K., Tahasildar, Maski and Secretary of Amareshwara Temple, is present before the Court. After

verifying the records, admits the receipt of Rs.6,02,000/- from the petitioner.

6. Taking note of these aspects of the matter and no criminality is involved in the matter, continuation of the pending criminal proceedings would only be a futile exercise and results in abuse of process of law.

7. Accordingly, a case is made out to quash the pending proceedings by invoking the inherent power vested in this Court under Section 482 of Cr.P.C. Accordingly, the following order:

ORDER

(i) Petition is allowed;

(ii) Pending criminal proceeding in C.C.NO.538/2017 (Lingasugur P.S. Crime No.70/2015) registered against the petitioner is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

SVH
List No.: 1 Sl No.: 47
CT:PK