NC: 2025:KHC-K:1054
CRL.P No. 201598 of 2024
C/W CRL.P No. 201573 of 2024
CRL.P No. 201687 of 2024
CRL.P No. 200139 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 13TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 201598 OF 2024

C/W

CRIMINAL PETITION NO. 201573 OF 2024

CRIMINAL PETITION NO. 201687 OF 2024

CRIMINAL PETITION NO. 200139 OF 2025

IN CRL.P.NO.201598/2024:

BETWEEN:

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

1. SAVITRI PURUSHOTTAM S/O SAVITRIVENKATGIRAYYA
   AGE: 69 YEARS OCC: BUSINESS,
   R/O H.NO.7-7-48/99-100,
   SAVITRI COLONY, RAICHUR

2. SAVITRI JAYAPRADHA W/O SAVITRI PURUSHOTTAM,
   AGE: 64 YEARS, OCC: BUSINESS,
   R/O. H.NO 7-7-48/99-100,
   SAVITRI COLONY, RAICHUR.

3. SAVITRI SRIHARSHA S/O SAVITRI PURUSHOTTAM,
   AGE: 42 YEARS, OCC: BUSINESS,
   R/O. H.NO 7-7-48/99-100,
   SAVITRI COLONY, RAICHUR.

4. SAVITRI DURGA MANASA
   W/O SAVITRI SRIHARSHA,

AGE: 38 YEARS, OCC: BUSINESS,
R/O H.NO 7-7-48/99-100,
SAVITRI COLONY, RAICHUR

…PETITIONERS

(BY SRI SHIVANAND PATIL AND
SRI VARUN PATIL, ADVS.)

AND:

1. THE STATE OF KARNATAKA,
THROUGH MARKET YARD PS, RAICHUR,
BY THE ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107.

2. SAVITRI SRIKAR NAG
S/O SAVITRI PURUSHOTTAMA,
AGE: 44 YEARS, OCC: BUSINESS,
R/O H.NO.8-11-899/1/139,
ASHIRWAD NAGAR,
BOLAMANADODDI ROAD,
RAICHUR-584101.

…RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1
SRI A.R. TARANATH AND
SRI RAVINDRA D.K., ADVS.)

THIS CRL.P IS FILED U/S.482 OF CR.P.C.(OLD), U/S 528 OF BNSS (NEW) PRAYING TO ALLOW THE PETITION AND QUASH THE PROCEEDINGS AGAINST THE PETITIONERS IN CR NO. 92/2024 (ARISING OUT OF P.C NO. 244/2024) OF THE MARKET YARD POLICE STATION RAICHUR, U/S 190, 303, 314, 316, 318, 318(1) OF BNSS 2023 PENDING ON THE FILE OF PRL. CIVIL JUDGE (SR.DN) AND CJM RAICHUR AND ALSO ON THE FILE OF PRL. CIVIL JUDGE (SR.DN) AND CJM RAICHUR AND ALSO GRANT SUCH OTHER RELIEFS AS THE HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

IN CRL.P.NO. 201573/2024:

BETWEEN:

1. SAVITRI SRIKAR NAG S/O SAVITRI PURSHOTTAM,
   AGE: 44 YEARS, OCC: BUSINESS,

2. SAVITRI BHAVANA W/O SAVITRI SRIKAR NAG,
   AGE: 40 YEARS, OCC: BUSINESS,

   BOTH ARE R/O. PLOT NO.139,
   ASHIRWAD COLONY, RAIHCUR-584104

…PETITIONERS

(BY SRI A.R. TARANATH AND
SRI K. RAVINDRA, ADVS.)

AND:

1. SAVITRI SRIHARSHA
   S/O SAVITRI PURUSHOTTAM,
   AGED ABOUT 42 YEARS, OCC: BUSINESS,
   R/O H.NO.7-7-48/99-100, SAVITRI COLONY,
   RAICHUR-584104.

2. THE STATE OF KARNATAKA,
   REP. BY ADDL. SPP,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH-585107,
   (THROUGH MARKET YARD PS RAICHUR),
   RAICHUR-584101 RAICHUR DIST.

…RESPONDENTS

(BY SRI SHIVANAND V. PATTANASHETTI, ADV. FOR R1
SRI VEERANAGOUDA MALIPATIL, HCGP FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO 1) CALL FOR RECORDS IN CRIME NO. 80/2024, PENDING ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE, RAICHUR. 2) QUASH THE ENTIRE PROCEEDING IN CRIME NO. 80/2024 OF MARKET YARD POLICE STATION, RAICHUR FOR

THE OFFENCE PUNISHABLE U/SEC. 468, 469, 406, 420, R/W 34 IPC, PENDING ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE RAICHUR. 3) PASS SUCH OTHER ORDER/S AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE AND ALLOW THE PETITION.

IN CRL.P.NO. 201687/2024:

BETWEEN:

1. SAVITRI PURUSHOTTAMA S/O VENKATGIRAYYA,
   AGE: 69 YEARS, OCC: BUSINESS,
   R/O. H NO. 7-7-48/99-100, SAVITRI COLONY,
   RAICHUR.

2. SAVITRI JAYAPRADHA W/O PURUSHOTTAMA,
   AGE: 64 YEARS, OCC: BUSINESS,
   R/O H NO. 7-7-48/99-100, SAVITRI COLONY,
   RAICHUR.

3. SAVITRI SRIHARSHA S/O PURUSHOTTAMA,
   AGE: 42 YEARS, OCC: BUSINESS,
   R/O. H NO. 7-7-48/99-100,
   SAVITRI COLONY, RAICHUR.

4. SAVITRI DURGA MANASA W/O SAVITRI SRIHARSHA,
   AGE: 38 YEARS, OCC: BUSINESS,
   R/O H NO. 7-7-48/99-100, SAVITRI COLONY,
   RAICHUR.

…PETITIONERS

(BY SRI SHIVANAND PATIL AND
SRI VARUN PATIL, ADVS.)

AND:

1. THE STATE THROUGH,
   MARKET YARD PS, RAICHUR,
   BY THE ADDL. SPL. PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH-585107.

2. SAVITRI SRIKAR NAG
S/O SAVITRI PURUSHOTTAMA,
AGE: 44 YEARS, OCC: BUSINESS,
R/O. H NO. 8/-11-899/2/139,
ASHIRWAD NAGAR,
BOLAMANADODDI ROAD,
RAICHUR- 584101.

…RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND QUASH PROCEEDINGS AGAINST THE PETITIONERS IN CR.NO.81/2024 OF THE MARKET YARD POLICE STATION RAICHUR FOR OFFENCE PUNISHABLE U/S 314, 316(2), 318(3), 318(4), R/W 190 OF BNS 2023 PENDING ON THE FILE OF PRL. CIVIL JUDGE (SR.DN) AND CJM RAICHUR AND ALSO GRANT SUCH OTHER RELIEFS AS THE HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCE OF THE CASE.

IN CRL.P.NO. 200139/2025:

BETWEEN:

SATYANARAYANA SHETTY
S/O HANUMESH SHETTY,
AGED: 47 YEARS,
OCC: MANAGER AT HDFC BANK,
GANDHI CHOWK, RAICHUR.

…PETITIONER

(BY SRI SHIVANAND PATIL, ADV.)

AND:

1. THE STATE OF KARNATAKA,
THROUGH MARKET YARD PS,
RAICHUR,
BY THE ADDL. STATE
PUBLIC PROSECUTOR,

HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107.

2. SAVITRI SRIKRA NAG
S/O SAVITRI PURUSHOTTAMA,
AGE: 44 YEARS, OCC: BUSINESS,
R/O. H.NO.8-11-899/2/139,
ASHIRWAD NAGAR,
BOLAMANADODDI ROAD,
RAICHUR-584101.

…RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND QUASH FIR AND COMPLAINT AGAINST THE PETITIONERS IN CR.NO.81/2024 OF THE MARKET YARD P.S. RAICHUR FOR OFFENCE PUNISHABLE U/S 314, 316(2), 318(3), 318(4), R/W 190 OF BNS PENDING ON THE FILE OF PRL. CIVIL JUDGE (SR.DIV) AND CJM AT RAICHUR AND ALSO GRANT SUCH OTHER RELIEFS AS THE HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCE OF THE CASE,

THESE PETITIONS, 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)

1. In these four criminal petitions, the accused in Crime No.80/2024, Crime No.81/2024 & Crime No.92/2024 registered by Market Yard Police Station, Raichur, are before this Court

under Section 528 of BNSS, 2023, with a prayer to quash the entire proceedings in the aforesaid cases registered against them.

2. Heard the learned Counsel for the parties.

3. The aforesaid three criminal cases in Crime No.80/2024, Crime No.81/2024 & Crime No.92/2024 registered by Market Yard Police Station, Raichur, arises out of a dispute between the family members who are partners in the partnership business of the family carried on in the name of SPS Agronico India LLP, Sri Raghavendra Agro Industries, etc.

4. **Crime No.80/2024**: FIR in Crime No.80/2024 was registered by Market Yard Police Station, Raichur, for the offences punishable under Sections 468, 469, 406, 420, 34 IPC, on the basis of the first information dated 30.10.2024 received from Savitri Shri Harsha S/o Savitri Purushottam against Savitri Shrikarnag S/o Savitri Purushottam and Smt. Savitri Bhavana W/o Savitri Shrikarnag. The first informant in the said case is the brother of accused no.1 and brother-in-law of accused no.2. The allegations in the first information is that, first informant,

accused and their parents were all partners in the family business which was carried on in the name of SPS Agronico India LLP, Sri Raghavendra Agro Industries, etc., and when the matter stood thus, accused nos.1 & 2 in the said case have established a business in the name and style of 'Sri Raghavendra Foods' and have been carrying on business similar to the business which was carried on by the partnership firm Sri Raghavendra Agro Industries, and thereby committed the alleged offences. Challenging the proceedings in Crime No.80/2024, accused nos.1 & 2 have filed Crl.P.No.201573/2024.

5. **Crime No.81/2024**: FIR in Crime No.81/2024 was registered by Market Yard Police Station, Raichur, for the offences punishable under Sections 314, 316(2), 318(3), 318(4), 190 of BNS, 2023, on the basis of the first information dated 01.11.2024 received from Savitri Srikarnag S/o Savitri Purushottam, and the accused in the said case are, Savitri Purushottam, Savitri Jayapradha W/o Savitri Purushottam, Savitri Sriharsha S/o Savitri Purushottam, Savitri Durga Manasa W/o Savitri Sriharsha and Satyanarayana who is the

Manager of HDFC Bank, Raichur. The allegation in the first information submitted by Savitri Srikarnag who is the son of accused nos.1 & 2 and brother of accusedno.3 and brother-in-law of accused no.4 is, that the accused persons who are partners of the family partnership firm in the name of SPS Agronico India LLP, Sri Raghavendra Agro Industries, etc., have transferred the amount from the account of the aforesaid partnership firm to their personal accounts when the first informant was traveling abroad, and accused no.5 had conspired with them for the illegal transfer of amount as aforesaid, and thereby they have committed the alleged offences. Challenging the proceedings in Crime No.81/2024, accused nos.1 to 4 have filed Crl.P.No.201687/2024 and accused no.5 has filed Crl.P.No.200139/2025.

6. **Crime No.92/2024**: FIR in Crime No.92/2024 was registered by Market Yard Police Station, Raichur, for the offences punishable under Sections 190, 303, 314, 316, 318, 318(1) of BNS, 2023, pursuant to a reference order passed by the jurisdictional Court of Magistrate in P.C.R.No.244/2024. The private complaint in P.C.R.No.244/2024 was submitted by

Savitri Shrikarnag S/o Savitri Purushottam before the jurisdictional Court of Magistrate as against his parents, brother and sister-in-law alleging that the accused persons who are partners along with him in the family partnership firms known as M/s. Sri Raghavendra Par-Boiled Industries, M/s. Sri Raghavendra Agro Industries, M/s. Sri Raghavendra Agro Trading Co., M/s. SPS Agronico India LLP, and M/s. Sri Raghavendra Agrotech Industries, have shifted rice bags worth Rs.13,20,00,000/- in 84 lorries from the warehouse of the partnership firm to another warehouse and have stocked the same illegally when the first informant was traveling abroad and attending some conference at Malayasia. Crl.P.No.201598/2024 is filed by the accused in Crime No.92/2024 with a prayer to quash the entire proceedings in the said case as against them.

7. Perusal of the material available on record would go to show that the complainants in the aforesaid three cases and the accused, except accused no.5 in Crime No.81/2024 who is the Manager of HDFC Bank, Raichur, who allegedly had conspired with the other accused persons to commit the crime,

are all members of a family and they were partners in the family partnership firm by name M/s. Sri Raghavendra Par-Boiled Industries, M/s. Sri Raghavendra Agro Industries, M/s. Sri Raghavendra Agro Trading Co., M/s. SPS Agronico India LLP, and M/s. Sri Raghavendra Agrotech Industries.

8. It appears that after a dispute arose between the elder son and his wife on the one side and the other members of the family on the other side with regard to the aforesaid partnership business of the family that was being carried in the name of different partnership firms, the elder son Savitri Shrikarnag had filed O.S.No.244/2024 before the jurisdictional Civil Court at Raichur and his father - Savitri Purushottam and his younger brother – Savitri Sriharsha were defendant nos.1 & 2 in the said suit. The said suit was filed on 28.10.2024 and on 30.10.2024, the jurisdictional Civil Court had issued emergent notice on IA nos.1 & 2 to the defendants and had directed the matter to be posted on 08.11.2024.

9. FIR in Crime No.80/2024 was registered against the plaintiff in O.S.No.244/2024 and against his wife on the complaint of his younger brother Savitri Sriharsha, and

thereafter, FIR in Crime No.81/2024 was registered on the basis of the complaint received from the plaintiff in O.S.No.244/2024 against the other members of his family. Subsequently, on the basis of the complaint submitted by the plaintiff in O.S.No.244/2024, FIR in Crime No.92/2024 was also registered against the other members of his family.

10. The material on record would go to show that the plaintiff in O.S.No.244/2024 and his wife – Savitri Bhavana have filed O.S.No.320/2024 before the jurisdictional Civil Court against Savitri Purushottam, Savitri Jayapradha, Savitri Sriharsha and Savitri Durga Manasa who are the accused in Crime Nos.80/2024 & 92/2024. The allegation of betraying the family members by clandestinely registering identical firm, etc., is found in the plaint in O.S.No.320/2024.

11. The contesting respondents have filed their objections to the application filed by the plaintiffs seeking temporary injunction. From a reading of the pleadings in the aforesaid civil proceedings, it is apparent that the criminal proceedings referred to above are all the outcome of the dispute between the parties which arose out of the business of the partnership

firms of the family members. The said civil dispute between the parties is given a criminal texture and the impugned criminal proceedings have been initiated as against each other which is now challenged by the accused before this Court in these criminal petitions.

12. The Hon'ble Supreme Court in the case of **PARAMJEET BATRA VS STATE OF UTTARAKHAND – (2013)11 SCC 673**, in paragraph 12, has observed as under:

> "12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash criminal proceedings to prevent abuse of process of court."

13. In the case of **VESA HOLDINGS (P) LTD. VS STATE OF KERALA – (2015)8 SCC 293**, the Hon'ble Supreme Court has observed that criminal proceedings should not be encouraged when it is found to be mala fide or otherwise an abuse of the process of the court. The superior courts while exercising power under Section 482 Cr.PC should strive to serve the ends of justice.

14. The material on record would go to show that the partnership business in the present case between the members of the family had commenced as early as in the year 2007 and there was no complaint as against each other till the year 2024. It is only after the dispute between the family members regarding partnership business started in the year 2024 which had resulted in initiating civil proceedings against each other, the members of the family have also ventured into initiating criminal proceedings as against each other by giving a criminal texture to the civil dispute between them with regard to carrying on the partnership business of the family.

15. Perusal of the allegations found in the first information which has resulted in registering the aforesaid three criminal

cases would go to show that necessary ingredients so as to invoke the alleged offences against the accused are absent. The overall appreciation of the facts and circumstances of the case would reveal that the genesis for initiating the impugned criminal proceedings is the dispute between the family members regarding the partnership business of the family which was being carried on in the name of the aforesaid five firms from 2007 onwards and the said dispute is essentially civil in nature. The members of the family who are before the court by giving a criminal texture to the inter se civil dispute between them, have initiated the aforesaid three criminal cases. Since the parties have already resorted to avail civil remedy, initiation of criminal proceedings against each other with the allegations which are also made against each other in the civil disputes, would make it very clear that the criminal proceedings are initiated only to harass and wreck vengeance against the accused. Therefore, permitting continuation of the said criminal cases against the accused would result in abuse of process of law, and therefore, to secure the ends of justice, it is necessary to quash the impugned criminal proceedings in all the aforesaid four petitions. Accordingly, the following order:

16. Petitions are allowed. The entire proceedings in Crime No.80/2024 is registered by Market Yard Police Station, Raichur, for the offences punishable under Sections 468, 469, 406, 420, 34 IPC; the entire proceedings in Crime No.81/2024 is registered by Market Yard Police Station, Raichur, for the offences punishable under Sections 314, 316(2), 318(3), 318(4), 190 of BNS, 2023; and the entire proceedings in Crime No.92/2024 is registered by Market Yard Police Station, Raichur, for the offences punishable under Sections 190, 303, 314, 316, 318, 318(1) of BNS, 2023, are quashed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

KK