



CNR: KAHC010701462024

NC: 2026:KHC:50527
CRL.P No. 111 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO.111 OF 2025

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

BETWEEN:

1. SRI SURESH @ SURESH NAIK K
C/O KRISHNAPPA
AGED ABOUT 31 YEARS
R/AT KELAGINAIKARADAHALLI
ANTARAHALLI POST
BENGALURU RURAL DISTRICT-561 203.

...PETITIONER

(BY SRI. SATHISHA D.J., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BAAVANAGUDI POLICE STATION
JAYANAGARA SUB DIVISION
BANGALORE-560 043
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 004.
2. CHETAN M. JAIN
S/O MADANLAL
AGED ABOUT 41 YEARS
R/AT NO.13/2, 1ST MAIN
1ST CROSS, TATA SILK FARM
BASAVANAGUDI
BANGALORE-560 004.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP., FOR R.1;
SRI. K.N. PURUSHOTHAMAN, ADVOCATE FOR R.2.)





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THIS CRL.P. IS FILED UNDER SECTION 482 OF CR.P.C. (FILED U/S. 528 OF BNSS) PRAYING TO ALLOW THIS PETITION AND QUASH THE FIR IN CRIME NO.138/2024 DATED 23.10.2024 AT ANNEXURE-A, BY THE BASAVANAGUDI POLICE STATION, BENGALURU, AGAINST THE PETITIONER FOR THE OFFENCE PUNISHABLE U/S.305 OF BHARATIYA NYAYA SANHITA (BNS) 2023, PENDING ON THE FILE OF 2ND ACMM COURT, NRUPATHUNGA ROAD, BENGALURU, AGAINST THIS PETITIONER IS CONCERNED IN THE INTEREST OF JUSTICE AND EQUITY, ETC,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- a. *Allow this Petition and quash the FIR in Crime No.138/2024 dated 23.10.2024 at Annexure-A, by the Basavanagudi police station, Bangalore, against the Petitioner for the offence punishable U/S 305 of Bharatiya Nyaya Sanhita (BNS) 2023, pending on the file of 2nd Additional CMM Court, Nrupathunga Road, Bangalore, against this Petitioner is concerned in the interest of justice and equity.*
- b. *Grant such other and further deem fit is Hon'ble court deemed fit and proper in the facts and circumstances of the case in the interest of justice and equity.*

2. Respondent No.2 lodged a complaint on 23.10.2024 alleging that the mother of the petitioner, namely, Bhagyamma, had worked as a domestic servant in





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his house from 2013 to 2021. It is alleged that, during this period, the petitioner would accompany his mother to the house of respondent No.2 and, on several occasions, would also be called upon to undertake cleaning and other work.

3. It is further alleged that Bhagyamma left the employment when respondent No.2 completed constructing a new house and shifted. Thereafter, according to respondent No.2, the petitioner would occasionally visit the new house when called upon to carry out certain work. It is the specific allegation that, since the petitioner was aware of the place where the gold articles were kept, he had stolen the said gold articles.
4. On the basis of the said complaint, FIR in Crime No.138 of 2024 came to be registered by Basavanagudi Police Station. The petitioner has approached this Court seeking quashing of the said proceedings.
5. Learned counsel for the petitioner submits that the petitioner is a gainfully employed person. During the relevant period, he was working as a Senior Relationship Manager, initially with Piramal Finance Sales and Services and subsequently with Federal





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Operations and Services Ltd., earning approximately ₹6,00,000/- per annum.

6. It is therefore submitted that the petitioner had no occasion to visit the house of respondent No.2 for the purpose of carrying out cleaning or other domestic work.
7. More importantly, learned counsel places reliance upon the complaint lodged by the wife of respondent No.2 on 29.09.2023. In the said complaint, she is stated to have alleged that she had handed over approximately 450 to 480 grams of gold ornaments and 50 grams of gold coins to the petitioner for the purpose of sale and that neither the gold nor the sale proceeds had thereafter been returned to her. On the basis of the said complaint, an NCR was registered.
8. Learned counsel submits that the complaint lodged by the wife of respondent No.2 on 29.09.2023 assumes considerable significance. Despite the said complaint being available on record, respondent No.2 lodged the present complaint more than one year later, on 23.10.2024, alleging that gold articles had been stolen from his house and expressing suspicion against the petitioner.





9. It is therefore submitted that the allegations in the two complaints are fundamentally inconsistent. On the one hand, the wife of respondent No.2 states that substantial quantities of gold ornaments and gold coins were handed over to the petitioner in the year 2023 for sale. On the other hand, respondent No.2 now alleges that the petitioner had stolen gold articles from his house.
10. Learned counsel submits that the petitioner was gainfully employed and there is no material to show that he was visiting the house for carrying out cleaning work. He therefore submits that the allegation of theft is wholly inconsistent with the material already available on record.
11. Learned counsel appearing for respondent No.2, however, submits that the petitioner was one of the persons who had access to the house and was aware of the place where the gold articles were kept. It is contended that, apart from the petitioner, no other person was regularly visiting the house and, for that reason, respondent No.2 suspected the petitioner.
12. It is therefore submitted that the allegations require investigation and that this Court ought not to interfere at the stage of registration of the FIR.





13. I have heard Sri Sathisha D.J., learned counsel for the petitioner, Sri Rashmi Patel, learned HCGP for respondent No.1, and Sri K.N. Pushuhothaman, learned counsel for respondent No.2. I have perused the complaint, the FIR and the other material placed before the Court.
14. The chronology of events is of considerable significance. The complaint itself states that Bhagyamma, the mother of the petitioner, stopped working in the house of respondent No.2 in the year 2021. It is thereafter that respondent No.2 constructed a new house. Consequently, there is no allegation that Bhagyamma continued to work in the new house after 2021.
15. The complaint further proceeds on the basis that the gold ornaments were available at the time of the house-warming ceremony and that respondent No.2 did not thereafter verify whether the ornaments continued to remain in the house. According to the complaint, it was only subsequently, at the time of a festival, that the absence of the gold ornaments was noticed.
16. Thus, the complaint itself does not identify the date on which the alleged theft took place. It merely





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proceeds on the assumption that, since the ornaments were available at one point of time and were subsequently found missing, the petitioner must have stolen them.

17. The above allegation has to be considered in the light of the complaint lodged by the wife of respondent No.2 on 29.09.2023. In that complaint, the wife of respondent No.2 herself states that she had handed over approximately 450 to 480 grams of gold ornaments and 50 grams of gold coins to the petitioner for the purpose of sale. This is not a minor or incidental circumstance. It is directly relevant to the allegation now made by respondent No.2 that the petitioner had stolen gold articles from his house.
18. If, according to the complaint of the wife of respondent No.2, substantial quantities of gold ornaments and gold coins were voluntarily handed over to the petitioner in September 2023, the subsequent allegation that the petitioner had stolen the gold articles from the house cannot be considered in isolation.
19. The two versions, when placed side by side, do not merely disclose some minor inconsistency. They relate to the same petitioner and to substantial





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quantities of gold and directly concern the petitioner's alleged possession of the gold articles.

20. The complaint of the wife of respondent No.2 proceeds on the basis that the gold articles were handed over to the petitioner in 2023 for a specific purpose. The complaint subsequently lodged by respondent No.2 proceeds on the basis that the petitioner had stolen gold articles from the house. The prosecution has not placed any material explaining this fundamental inconsistency.
21. There is yet another significant circumstance. The complaint of respondent No.2 does not specify when the alleged theft took place. The petitioner is sought to be implicated essentially on the ground that he was aware of where the gold articles were kept and had access to the house. Mere knowledge of the place where articles are kept, coupled with a general suspicion, cannot by itself constitute the basis for a criminal prosecution for theft, particularly when the material already on record discloses a completely different circumstance in which substantial quantities of gold were allegedly handed over to the petitioner.
22. This Court is conscious that, ordinarily, the allegations in an FIR are not required to be tested as





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though the Court were conducting a trial. However, the Court is equally required to prevent the criminal process from being used where the material placed on record demonstrates that the prosecution is founded on mutually inconsistent versions and that the essential factual foundation for the alleged offence is absent.

23. In the present case, the complaint lodged by the wife of respondent No.2 on 29.09.2023 materially undermines the subsequent allegation made by respondent No.2 on 23.10.2024.
24. The fact that the petitioner was gainfully employed is, by itself, not sufficient to rule out his presence in the house. However, that circumstance assumes significance when considered along with the fact that his mother had stopped working there in 2021, that the new house was constructed thereafter, that the date of the alleged theft is not stated, and, most importantly, that the wife of respondent No.2 had herself stated in 2023 that substantial quantities of gold had been handed over to the petitioner.
25. These circumstances cannot be brushed aside as matters requiring a roving investigation. They go to the very foundation of the allegation against the





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petitioner. The material on record therefore does not disclose a prima facie basis for proceeding against the petitioner for theft. The allegation is founded substantially on suspicion, while the material already available on record points to a materially different explanation for the petitioner's possession of the gold.

26. In these circumstances, permitting the investigation to continue would serve no useful purpose. The subsequent complaint lodged by respondent No.2, when considered along with the earlier complaint lodged by his wife, does not disclose a sustainable case of theft against the petitioner.
27. The two complaints, read together, materially contradict each other and the earlier complaint substantially negates the basis of the subsequent allegation. This Court is therefore of the considered opinion that continuation of the proceedings against the petitioner would amount to an abuse of the process of law. The inherent jurisdiction of this Court is consequently required to be exercised to prevent such abuse.
28. As such, this Court passes the following:



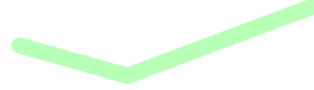


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ORDER

- i. Criminal petition is allowed.
- ii. Proceedings in Crime No.138/2024 pending on the file of II Addl. CMM Court, Bangalore, against the petitioner is quashed.



(SURAJ GOVINDARAJ)
JUDGE

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List No.: 2 SI No.: 6