

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF JANUARY 2019

BEFORE

THE HON'BLE MR.JUSTICE JOHN MICHAEL CUNHA

**CRIMINAL PETITION NO.4521/2016**

BETWEEN:

DIWAKAR,  
S/O MANJUNATH,  
AGED ABOUT 49 YEARS,  
R/O DODDAPETE,  
SHIKARIPURA,  
SHIVAMOGGA DISTRICT – 577 427.

...PETITIONER  
(BY SRI SATISH R GIRJI, ADVOCATE-ABSENT)

AND:

THE STATE OF KARNATAKA,  
SHIKARIPURA P.S.,  
REPRESENTED BY S.P.P.,  
HIGH COURT BUILDING,  
BENGALURU – 560 001.

... RESPONDENT  
(BY SRI I.S.PRAMOD CHANDRA, SPP-II )

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.217/2016 ON THE FILE OF ADDL. C.J. (SR.DN.) AND C.J.M. COURT, SHIKARIPURA, SHIVAMOGGA DISTRICT.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Learned counsel for the petitioner is absent.

2. The petitioner has sought to quash the proceedings in C.C.No.217/2016 pending on the file of Additional Civil Judge (Sr. Dn.) and C.J.M., Shikaripura, Shivamogga District.

3. Perused the petition.

4. Learned SPP-II appearing for the State submits that the trial has commenced and out of 30 witnesses cited in the charge sheet, 12 witnesses have already been examined.

5. The petitioner has sought to quash the above said proceedings solely on the ground that he is innocent of the alleged offence and that the allegations made against the petitioner, do not constitute the offences punishable under Sections 38 and 39 of Karnataka Money Lenders

Act, 1961 read with Sections 420 of IPC and Sections 3 and 4 of Karnataka Prohibition of Charging Exorbitant Interest Act.

6. *Prima facie* material is already collected in support of the above charges and trial has also commenced. Hence, I do not find any good ground to quash the proceedings. Accordingly, petition is ***dismissed***.

In view of the dismissal of the main petition, I.A.No.1/2016 does not survive for consideration and the same is dismissed.

**Sd/-  
JUDGE**

nvj