

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

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

BEFORE

**THE HON'BLE MR.JUSTICE P.B. BAJANTHRI**

**Crl.P. No.6726/2019**

**BETWEEN:**

Damodar K S  
s/o K Sannam Gowda  
Aged about 66 years  
Occ: Retired CEO  
Kollamogru Harihara PAC Ltd.  
Koojugodu Katte Mane  
Inekadu village, Sulia Taluk  
Inakaidu, Hariharapallathadka  
D.K. – 574218. ... Petitioner

(By Smt.Kattimani Pooja Manohar, Advocate)

**AND:**

1. The State of Karantaka  
by Subramanya Police Station  
Dakshina Kannada District –  
574 238, (Represented by State  
Public Prosecutor, High Court  
Buildings, Bengaluru-560 001)
2. T K Thomas, s/o Kuriyakose  
Aged about 67 years  
Thekkekandthi House  
Vellamattom village  
Thodupuzha Taluka  
Idukki District  
Kerala State – 685584. ... Respondents

(By Sri R D Renukaradhya, HCGP for R1)

This petition is filed under Section 482 of Cr.PC praying to quash the entire proceedings in C.C No.55/2017 pending on the file of Civil Judge and JMFC, Sullia, Dakshina Kannada (Registered for the offences punishable under Sections 406, 409, 417 and 420 of IPC).

This petition is coming on for admission this day, the Court made the following:-

### ORDER

In the instant petition, petitioner has sought for the following relief:

Quash the entire proceedings in C.C No.55/2017 pending on the file of Civil Judge and JMFC Sullia, Dakshina Kannada (registered for the offences punishable under Sections 406, 409, 417 and 420 of IPC) in the interest of justice.

2. Perusal of the complaint particularly paras-3 and 4, there are serious allegations leveled against the petitioner and another relating to manipulation of bank records in withdrawing the amount in account No.3109 in total Rs.2,88,156/- and Rs.12,09,322/- during the period from 5.4.2013 and 8.4.2013 while leaving a sum of Rs.216/- in the S.B account of the complainant.

3. Learned counsel for the petitioner contended that petitioner is a retired person and he is nothing to do with the aforesaid transaction. These are disputed facts, which are required to be tried by the jurisdictional Court. Courts have time and again held that when there are disputed facts, read with contradictory materials matter requires trial. Therefore, petitioner has not made out a case.

Accordingly, petition stands dismissed.

Sd/-  
JUDGE

**Bkm**