

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.4624 OF 2022

BETWEEN:

- 1 . MR. PALANISWAMY VEERARAJA
S/O K. PALANISWAMY,
AGED ABOUT 55 YEARS,
- 2 . MR. K. PALANISWAMY
S/O LATE S.R.KANAPPA GOUNDER,
AGED ABOUT 83 YEARS,
- 3 . MRS. AMMANI
W/O K. PALANISWAMY,
AGED ABOUT 73 YEARS,
- 4 . MRS. R. KAVITHA
D/O K. PALANISWAMY,
AGED ABOUT 47 YEARS,

PETITIONERS 1 TO 4 ARE PRESENTLY
R/AT NO.777A, 100 FEET ROAD,
HAL II STAGE, INDIRANAGAR,
BANGALORE - 560 038.

AS PER CHARGE SHEET ADDRESS OF PETITIONERS
NO.429, 1ST CROSS,
12TH MAIN, INDIRANAGAR,
BANGALORE - 560 038.

...PETITIONERS

(BY SRI. S. MAHESH FOR MAHESH AND CO., ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA BY
INDIRANAGAR POLICE STATION,
BANGALORE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

- 2 . DR. VEERUSIKKU BOMMAIAH SWAMY
S/O LATE M.T.VEERAIKKU GOUDAR,
AGED ABOUT 72 YEARS,
R/AT REGISTERED OFFICE,
M/S. ASSOCIATED TEXTILE INC,
NO.7, CARRY AVENUE, STRATOR,
ILLINOIS - 61364.
UNITED STATES OF AMERICA.

...RESPONDENTS

(BY SMT. ANITHA GIRISH, HCGP FOR R1;
SRI. K.P.S. PALANIVEL RAJAN, SENIOR COUNSEL FOR
SRI. SATHIES KUMAR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE CRIMINAL PROCEEDINGS PENDING AGAINST PETITIONER IN CC NO. 55623/2014 (CRIME NO. 209/2006) FOR OFFENCES U/S 406,468,471,420 R/W 34 OF IPC PENDING ON THE FILE OF THE HON'BLE 10TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BANGALORE CITY.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28.03.2024 THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

RESERVED FOR ORDERS ON: 28.03.2024 PRONOUNCED ON : 28.05.2024
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ORDER

This criminal petition is filed by the petitioners/accused Nos.1 to 4 under Section 482 of Cr.P.C for quashing the criminal proceeding against the petitioner in CC No.55623/2014 arising out of Crime No.209/2006 based upon the PCR No.13726/2004 for the offences punishable under Sections 406, 468, 471, 420 read with Section 34 of Indian Penal Code (for short 'IPC' Act).

2. Heard the arguments of learned counsel for the petitioners and learned High Court Government Pleader Smt.Anitha Girish for respondent No.1. and Sri. Sathies Kumar, learned counsel for the respondent No.2.

3. The case of the complainant before the Magistrate in the private complaint is that accused No.1 is a registered partnership firm, accused Nos.2 and 3 are the

Managing Partners of accused No.1 and accused Nos.4 and 5 are other partners. The accused are manufacturers of textile goods in India. They export the said goods manufactured by them. Lasalle was one of the principal importers of the Accused. During the business, accused Nos.2 and 3 built up a good relationship with the complainant and there were several contracts for their monetary gain. Accused Nos.2 and 3 represented accused No.1 in all the dealings with the complainants. Accused Nos.2 and 3 approached the complainant with a proposal that they could do business jointly. Accordingly, the complainant entered into a business relationship with accused jointly, mutually beneficial and agreed to the same.

4. The complainant or a concern floated by him would required to make capital contribution and incur expenditure for the promotion of the business of the accused in the U.S. and Canadian markets. The complainant must use business contacts to promote the business of the accused in abroad. The accused intentionally

fully made false and fraudulent representation and assured that he would induce the complainant to accused No.1 of the firm and the complainant promoted on the business of the accused in the joint venture. He would share 1/3 of the profits that the accused would earn in the U.S and Canada and he would reimburse the expenses incurred by the complainant. At the time of making false representations, the accused did not have any intention of honoring the same. The accused made representations and assurances only to deceive the complainant. The unlawful gain made by the accused and the unlawful loss suffered by the complainant in the business contacts of the complainant in the business of the accused.

5. It is further contended that the accused deceived the complainant and dishonestly induced the complainant to promote the business in the name of M/s.Associated Textile Inc. which was incorporated under the Laws of Illinois, USA. Further, promoting the business of the accused in the U.S.A., he made false representations,

the letter dated 27.12.1995 inducing the complainant to make a wire transfer of US \$1,26,000 as a capital contribution. The cash or cheque also issued US \$ 30,000 which was debited to the accused also made to incur expenditure in excess of US \$ 2,25,777.90. The copies of the cheque evidencing the same and some of the documents also produced to show that at the instance of the complainant incurred the expenditure. But for the false, fraudulent and dishonest assurances, the accused induced the complainant to promote the business, but they cheated the complainant. The complainant has incurred an expense of over US \$ 2,25,777.90 towards promoting the business of the accused jointly in the U.S. and also he has sent a sum of US \$ 1,56,000, but the accused never had on intentions to account or share its profits and he has not contributed any account and not paid any amount to the complainant. The accused has concealed the account that Dr. Robert Vottero, M.D., who was a shareholder and officer of M/s. Associated Textile Inc., fell apart with the complainant. When the complainant started exerting pressure on the accused but

the accused started contending that the complainant was never in any joint venture/partnership and trying to establish one with the accused. (Tried to establish such a position) the accused even tried to export some goods allegedly amounting to US \$ 87, 120 in December 2000 to support his false claim.

6. It is further contended that the accused would not comply with their assurance, the complainant instituted the case before the Foreign Court in O1C6249 before the District Court of United States, Northern District of Illinois on 14.08.2001 and also sought for accounts of the sales done by the accused in the U.S. and Canadian markets and 1/3 share on the profits. The accused has paid only a sum of US \$ 81,000 and had no intentions of honoring his assurances. The profit of the accused could have earned is approximately US \$ 2.5 million. Therefore, the complainant would get a sum of US \$ 833,333.33 as profits. Therefore,

the accused cheated the complainant to the tune of US \$ 11,34,111.23 and he is guilty of cheating.

7. It is further contended that the complainant entrusted the accused with US \$ 3,00,777.90 as is detailed, for the purpose of doing business in the joint venture but the said amount is misappropriated by the accused.

8. It is further contended that, in response to the complaint, initially in Foreign Court the accused filed the Motion for dismissal of the complaint on 09.01.2002. Order dated 11.09.2002, the Foreign Court denied the accused Motion to dismiss the complaint. The accused filed their pleadings entitled Defendants' Answer, Affirmative Defences, and Counter Claim. In the said answer, the accused contended that there was no understanding of partnership or joint venture with the complainant and taking the contention that the relationship of the complainant and the petitioners was that of buyer and seller in the counter claim.

9. It is further contended that as per the requirement in U.S.Law, prior to the trial, parties are required to exchange copies of documents for the purpose of the discovery and to try to coerce the counsel for the complainant to drop the case, the accused fabricated certain documents at Bangalore and sent them to his counsel at USA, Mr.Michael Basil. As per the procedure, the counsel for the accused served copies of 119 documents titled KP-1 to KP- 119 on the counsel for the complainant along with a covering letter dated 07.01.2002.

10. It is further alleged that the documents 13 series there were 119 documents produced along with 28 documents were forged by the accused. The complainant immediately referred the documents to the forensic expert for report and it was confirmed that these documents were forged documents. As per the report of the forensic expert dated 01.09.2023, all these documents were created and fabricated at Bangalore by the accused and the accused

created the documents at Bangalore and sent the same to his counsel for filing the same before the Foreign Court. Thereby, the accused cheated the complainant and committed criminal breach of trust. Thereby, the accused are guilty of having committed the offences punishable under Sections 405, 415, 420, 463 and 471 read with Sections 120A and 120B of IPC. Hence, he prayed to take action to quash the petition.

11. After receipt of the private complaint, the learned Magistrate referred the case to the Police in turn the Indiranagar Police registered the FIR in Crime No.209/2006 and after the investigation, they filed the charge sheet which is under challenge.

12. Learned counsel for the petitioners contended that the criminal proceedings against the petitioners are not sustainable, the business was said to be done at **M/s.Kay Pee Export, U.S. and there was a proceeding** before the Foreign Court, where the award has been passed the

execution petition filed at Bangalore which came to be rejected. Earlier, the police had filed 'B' report and the learned Magistrate once again re-referred the complaint to the police, thereafter, the police filed the charge sheet.

13. It is further contended that the complainant deceived the material from the accused at Bangalore from two years for doing partnership business. It is alleged that the property was not given to the complainant, but there was no agreement between the complainant and the accused. It is nothing to recovery of the money which is civil in nature and is civil dispute. Therefore, the criminal case is not sustainable.

14. It is further contended that the forged documents produced by the Foreign Court. The Foreign Court filed the complaint against the petitioners for false and forged documents. Though some of the documents are said to be forged or fabricated but the offence was committed at U.S. and not in Bangalore and the forged documents said to be produce at a Foreign Court and they

to have conducted criminal proceedings against the petitioners and pending case in Bangalore is abuse of the process of law. Hence, he prayed for quashing the same.

15. Per contra, learned counsel for the respondent seriously objected the petition and contended that though there was no written agreement between the petitioners and the complainant there was correspondence and communications between the petitioners and the complainant for that these documents produced by the respondent. As soon as the civil case, the money recovery case was filed before the Federal Court in U.S., where the petitioners sent 119 documents which were found that 28 documents were fabricated. These documents were fabricated and created at Bangalore and the same was produced at Foreign Court. Therefore, the creation of documents and forging documents at Bangalore and also the company of the accused is situated at Bangalore. Therefore, the Bangalore Court also has jurisdiction to entertain the complaint. The contention of the petitioners regarding the relationship of the petitioners/accused and the

complainant was negative by the U.S. Court and the fabrication of documents filed by the U.S. Court was created in Bangalore. Therefore, there is a bar for filing the complaint before the police but it was filed before the learned Magistrate which is maintainable.

16. In support of the arguments, learned counsel for the respondent relied upon the various judgments of the Supreme Court as well as the coordinate Bench of this High Court. Hence, he has prayed for the dismissal of the petition.

17. Learned High Court Government Pleader objected the petition and contended that the documents were fabricated at Bangalore and sent to the U.S. Court. Therefore, there will be no bar under Section 195(i)(b)(ii) of Cr.P.C. and the private complaint is maintainable, and subsequently for investigation purpose it was referred to the police. Hence, a prima facie case was made against the petitioner for having committed the offence. Hence, he prayed for the dismissal of the petition.

18. Having heard the arguments for learned counsel for the parties and perused the records. On perusal of the same, it reveals that, as per the complaint made by the respondent to the Police than the petitioners induced the respondent to do business in abroad where the petitioners said to be running the company for exporting textile goods after manufacturing and the respondent used to sell the goods to the public at U.S.

19. The accused are assured to give some shares in the profit but not given any money. Even the respondent is said to have invested a huge amount for the purpose of running a business outlet at abroad. The complainant is said to have incurred 2,25,777.90 USD. Though the accused is said to be paid the sum of 30,000 USD but the accused did not give any account for that. Subsequently, the complainant raised a dispute before the Foreign Court for recovering money, wherein the petitioners have filed objections along with some documents in U.S. Court. 119 documents were furnished by the accused out of which

some documents were forged by the accused by creating the documents, as the respondent was the purchaser and the petitioners were the sellers. The same came to know only when the documents were referred to the Forensic Science Laboratory and the case was decreed in favour of the respondent in U.S. Though he has filed the suit for execution in Bangalore which came to be dismissed. However, he has filed the complaint for the creation or forging of the documents for making unlawful loss to the complainant and making unlawful gain by the accused in the business. Ultimately, there is no agreement or contract between the parties but it is oral. There are some documents to show that the accused has sent/exchanged messages in an email for doing business between them. Now learned counsel for the petitioners has mainly contended that the petitioners cannot file the complaint at Bangalore and there is no jurisdiction to file complaint and the documents were produced before the Foreign Court as evidence. There is a bar for taking cognizance under Sections 195(i)(b)(ii) of Cr.P.C. However, learned counsel

for the respondent submits that the private complaint is maintainable as there is no bar under this 195(b)(b)(ii) of Cr.P.C. Where the documents were created outside the Court and in Bangalore. The private complaint is maintainable and Bangalore Police have jurisdiction to investigate and file the charge sheet.

20. In this regard. Learned counsel for the respondent has relied upon the judgment of the Coordinate Bench of this Court in **ILR 2017 KARNATAKA 4397** in the case of **BALAJI TRADING COMPANY AND OTHERS VS SAIFULLA KHAN, GAFARKHAN SAVUKAR AND ANOTHER**. The Coordinate Bench of this Court relied upon the judgment of Hon'ble Supreme Court in the case of **IQBAL SINGH MARWAH AND ANOTHER VS MEENAKSHI MARWAH AND ANOTHER** reported in **(2005) 4 SCC 370**, in CrI.P.No.101070/2016 decided on 01.02.2017, the Hon'ble Supreme court held at para Nos.7, 8. 9, 9.1, 10 and 12 which reads as under:

"7. The Five Judges' Bench of the Hon'ble Apex Court, had an occasion to

deal with this particular legal question in a decision reported in IQBAL SINGH MARWAH V. MEENAKSHI MARWAH [(2005) 4 SCC 370], wherein it is meticulously observed that,—

"A. Criminal Procedure Code, 1973 - S. 195(1)(b)(ii) - Commission of forgery in respect of a document produced or given in evidence in a proceeding in any court-Bar under S. 195(1)(b)(ii) that no court shall take cognizance of any such offence except on the complaint in writing of the court concerned - Scope and applicability of - Private complaint in such matter - Maintainability - Held, the said bar would be attracted only when the offences enumerated in S. 195(1)(b)(ii) have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any court i.e., during the time when the document was in custodia legis - If such offence is committed prior to its production giving in evidence in Court, no complaint by Court would be necessary and a private complaint would

be maintainable - Scheme of S. 195, taken note of- Heading of Ch.XXVI Cr.PC - Consideration of- Further held, complaint as to offence referred to in S. 195(1)(b) was to be made by the Court concerned only if it was expedient in the interests of justice and not in every case - Thus, broad view of clause (b)(ii) of S. 195(1) ie. Extending it to cases where forgery of a document is committed prior to that document being produced or given in evidence in a proceeding in any Court would render the victim of such forgery or forged document remediless in cases where the court may not consider it expedient in the interest of justice to make a complaint - Further, the procedure for filing a complaint by Court was such that it may delay the trial and thus lead to loss of evidence - Hence, broad view of S. 195(1)(b)(ii) not acceptable - Contention that due to above interpretation by Supreme Court there was possibility of conflicting findings being recorded by the civil or revenue court where the document had

been produced or given in evidence and that recorded by the criminal court on the basis of private complaint, not sustainable.

B. Criminal Procedure Code, 1973 - S. 195(1)(b)(ii) - Expression "when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any court" - Meaning of - Held, would normally mean commission of such an offence after the document has actually been produced or given in evidence in court.

C. Criminal Procedure Code, 1973 - Ss. 340 and 195(1)(b) - Making complaint regarding commission of an offence referred to in S. 195(1)(b) - Power of the court concerned in respect of- Held, the court is not bound to make such complaint - Complaint will be made only if it is expedient in the interest of justice and not in every case - This expediency will normally be judged by the court by weighing not the magnitude of injury suffered by the person affected

by the offence, but having regard to the effect or impact of that offence upon administration of justice."

8. The above said observation and guidelines of the Hon'ble Apex Court makes it abundantly clear that, the offences enumerated under Section 195(1) of Cr.PC are committed in respect of any document prior to the production of the documents or before giving evidence before the Court, then the bar under Section 195(1)(b)(ii) is not attracted. Therefore, it goes without saying that the documents which are forged or concocted prior to production of the same before the Court or giving in evidence, the private complaint can be maintained by the aggrieved party. It also clears out the doubt that, after production of the said documents, if the documents are tampered with or forgery or concoction takes place when the documents are in the custody of the Court and if those documents are given in evidence, under such circumstances, the bar under Section 195(1)(b)(ii) of

Cr.PC is attracted and in such circumstances, except on the complaint in writing by that Court before which the offences under Sections 463 or 471 or 475 or 476 are committed, the Criminal Court cannot entertain the complaint. The above said ruling of the Hon'ble Apex Court also makes it abundantly clear that it is not only the offence pertaining to the documents and also against a private individual, but it amounts to the offence affecting administration of justice by the Courts. Therefore, it is made clear that, under the said provision, when the documents are in the custody of the Court, and such offences are committed, with reference to those document, it becomes expedient to the said Court to refer the said offences to the competent Court having jurisdiction to deal with the matter.

9. As I have already stated, Learned Counsel for the petitioner has tried to distinguish the provision and the judgment of the Hon'ble Apex Court by arguing that, if the documents are forged

or tampered prior to filing of any civil proceedings, a private complaint cannot be filed on the basis of such disputed documents, if they are used in giving evidence, then the Civil Court itself has to take note of that and refer a complaint to the competent Court having jurisdiction to deal with such criminal offences. But the said argument of the Learned Counsel cannot be accepted. A correct and meaningful interpretation is made to Section 195(1)(b)(ii) one can understand that such offences should have been taken place before the Court after production of such documents or at the time of giving evidence before the Court.

9.1. Some times it may happen before the Civil Court that the documents which are tampered or forged prior to production of the said documents, are produced before the Court. Though the Civil Court finds that those documents are forged, but it may not be in a position to give its verdict as to whether those documents are forged prior to

production or after production before the Court. Under such circumstances also, the Court having sesin of those documents may not feel it expedient to refer the offences to the competent Criminal Court. In such an event, if the Civil Court does not refer the complaint to the competent Civil Court, the party who suffered due to the forgery or tampering of these documents prior to their production before the Court should not be made without any remedy. Therefore, it can be clarified that, if such an offence is committed with reference to the documents produced before the Civil Court and if those offences are prior to production of those documents before the Court or giving evidence before the Court, in such an eventuality, the private complaint is maintainable before the competent Criminal Court.

10. Let me give another illustration, wherein the documents are produced before the Court after committing forgery prior to production but those documents were not subjected to any

evidence before the Court, both the parties are left those documents as they??? without being any evidence led to establish the offences with reference to those documents before the Civil Court, in such circumstances also the Civil Court may not be in a position to refer the said documents to the competent Civil Court and the Court becomes handicapped in drawing any inference or giving any finding with regard to the concoction or forgery of those documents. Under such circumstances also, the party who suffers any injury out of those offences committed with reference to the documents, can also file a private complaint before the competent Court of law.

12. Under the above circumstances, with all certainty, this Court can say that, when the offences with reference to those documents (Exs.D1 to D10) were alleged to have been committed prior to production of those documents before the Civil Court, then a private complaint

is very well maintainable before the Criminal Court by the aggrieved party. Therefore, there is no question of quashing such criminal proceedings initiated before the competent Criminal Court when the allegations made in the complaint clearly attract the provisions under the penal provisions of any law for the time being in force and that rider under Section 195(1)(b)(ii) of Cr.PC is not attracted.

21. In view of the judgment of the Coordinate Bench of the Hon'ble Supreme Court in Iqbal Singh Marwah (supra), the respondent has rightly filed the private complaint to the learned Magistrate under section 200 of Cr.P.C., in turn, the learned Magistrate rightly refused the complaint for the purpose of investigation and submits the report as required under Section 202 of Cr.P.C. Subsequently, the police have filed the charge sheet. Therefore, the principle laid down by the Hon'ble Supreme Court in the case of **PRIYANKA SRIVASTAVA AND ANOTHER Vs. STATE OF U.P. AND OTHERS** reported in

(2015) 6 SCC 287, for invoking the police power under Section 154(i) and 154(iii) of Cr.P.C. does not arise in the present case on hand. Though the respondent previously approached the Police, the police have given an endorsement. Even otherwise, the private complaint is maintainable for the purpose of filing private complaint for creation of documents and filing before the Court as per the judgments of Balaji Trading Company and Iqbal Singh cases(supra).

22. The documents were created by the accused who were in Bangalore and running the company at Bangalore. Therefore, the Bangalore Police has jurisdiction to investigate the matter and file the charge sheet. Therefore, the contentions raised by the learned counsel for the petitioners is not acceptable that the Bangalore Police has no jurisdiction.

23. Learned counsel for the respondent has relied upon the judgment of Hon'ble Supreme Court in the case of

Y.ABRAHAM AJITH AND OTHERS VS. INSPECTOR OF POLICE, CHENNAI AND ANOTHER reported in **(2004) 8 SCC 100**, while considering Sections 177 and 178 of Cr.P.C., where the Hon'ble Supreme court held at para Nos.12, 13 and 14 read as under:

12. The crucial question is whether any part of the cause of action arose within the jurisdiction of the court concerned. In terms of Section 177 of the Code, it is the place where the offence was committed. In essence it is the cause of action for initiation of the proceedings against the accused.

13. While in civil cases, normally the expression "cause of action" is used, in criminal cases as stated in Section 177 of the Code, reference is to the local jurisdiction where the offence is committed. These variations in etymological expression do not really make the position different. The expression "cause of action" is, therefore, not a stranger to criminal cases.

14. It is settled law that cause of action consists of a bundle of facts, which give cause to enforce the legal inquiry for redress in a court of law. In other words, it is a bundle of facts, which taken with the law applicable to them, gives the allegedly affected party a right to claim relief against the opponent. It must include some act done by the latter since in the absence of such an act no cause of action would possibly accrue or would arise.

24. In another case reported in **(2002) 3 SCC 89** in the case of **STATE OF KARNATAKA VS. M.DEVENDRAPPA AND ANOTHER**, the Hon'ble Supreme Court set aside the order and quashing criminal proceedings for the offences punishable under Sections 465, 468, 471, 420 read with Section 120-B of IPC.

25. In another case reported in **2024 SCC OnLine SC 145** in the case of **NAVIN KUMAR RAI VS. SURENDRA SINGH AND OTHERS**, which is held at para No.11 reads as under:

11. Given that the FIR against which the petition under Section 482 Code of Criminal Procedure⁴ had been preferred were offences contained only in the IPC, what the Court was required to consider was whether any of the well-established grounds that are enumerated in judgments of this Court viz., *State of Haryana v. Bhajan Lal*⁵; *Neeharika Infrastructure v. State of Maharashtra*⁶ and reiterated in *Peethambaran v. State of Kerala*⁷, were made out or not. We find the High Court to have referred to the detailed discussion in *Vineet Kumar v. State of Uttar Pradesh*⁸. but, however, discussion is conspicuously absent as to how the aspect of "criminality" is not present. It is all too well settled that while exercising such inherent powers what is required to be examined is only the prima facie existence of the offence sought to be quashed. For the offence of cheating, for instance, this Court has enumerated certain factors to be considered in *Vijay Kumar Ghai v. State of West Bengal*⁹.

26. In another case reported in **(2020) 10 SCC 92** in the case of **KAUSHIK CHATTERJEE VS. STATE OF HARYANA AND OTHERS**, where the Hon'ble Supreme court held at para Nos.20, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6 and 20.13, read as under:

20. The principles laid down in Sections 177 to 184 of the Code (contained in Chapter XIII) regarding the jurisdiction of criminal courts in inquiries and trials can be summarised in simple terms as follows:

20.1. Every offence should ordinarily be inquired into and tried by a court within whose local jurisdiction it was committed. This rule is found in Section 177. The expression "local jurisdiction" found Section 177 is defined in Section 2(j) to mean "in relation to a court or Magistrate, means the local area within which the court or Magistrate may exercise all or any of its or his powers under the Code".

20.2. In case of uncertainty about the place in which, among the several local areas, an offence was committed, the Court having jurisdiction over any of such local areas may inquire into or try such an offence.

20.3. Where an offence is committed partly in one area and partly in another, it may be inquired into or tried by a court having jurisdiction over any of such local areas.

20.4. In the case of a continuing offence which is committed in more local areas than one, it may be inquired into or tried by a court having jurisdiction over any of such local areas.

20.5. Where an offence consists of several acts done in different local areas it may be inquired into or tried by a court having jurisdiction over any of such local areas. (Numbers 2 to 5 are traceable to Section 178)

20.6. Where something is an offence by reason of the act done, as well as the consequence that ensued, then the offence may be inquired into or tried by a court within whose local jurisdiction either the act was done or the consequence ensued. (Section 179)

20.13. An offence which includes cheating, if committed by means of letters or telecommunication messages, may be inquired into or tried by any court within whose local jurisdiction such letters or messages were sent or received.

27. Per contra, learned counsel for the petitioners relied upon the various judgments of the Hon'ble High Court and Supreme Court in respect of **SARABJIT KAUR VS. STATE OF PUNJAB AND ANOTHER** reported in **MANU/SC/0193/2023** and **MANU/SC/0298/2015** in the case of **VESA HOLDINGS PRIVATE LIMITED AND OTHERS VS. STATE OF KERALA AND OTHERS** also in the case of **HRIDAYA RANJAN PD. VERMA AND ORS. VS. STATE OF BIHAR AND ANR.,** reported in **MANU/SC/0223/2000** and various other cases for quashing the FIR, on the ground that the offence is civil in nature the Court can quash the criminal proceedings. There is no second opinion in respect of the principle laid down by the Hon'ble Supreme Court in the above said cases while quashing the criminal proceedings. Even in this case the accused and the complainant entered into a business in Bangalore where the accused used to manufacture the textile goods and sent to the respondent in abroad and the respondent used to sell it and the amount used to collect by

the accused directly from the customer. But the accused should give either profit or any commission to the respondent and in that part the respondent also spent more than 2,77,000 USD and there are no documents produced by the petitioners to show that he has not repaid any amount. And on the technical point/issue, the petitioner prayed for quashing the criminal proceedings mainly the offence committed at abroad or as the documents produced before the Foreign Court at abroad etc., but in view of the findings above, the documents were created at Bangalore and sent to abroad and the same is not accepted and the decree was passed in favour of the respondent by U.S. Court. However, these documents were not created when the case was pending before the Court or creation of evidence/documents within the custody of the Court but outside the Court, at Bangalore. Therefore, this Court has already taken the contention that there is a prima facie case made against the petitioners for trial. However, the FSL report said to be submitted by the Forensic Science Laboratory at U.S. is not produced before the Court. If all

the petitioners do not accept the FSL report, even the Bangalore police can once again refer the documents to the FSL for getting further/fresh opinion at FSL Bangalore, if the documents are disputed by the accused.

Such being the case, I am of the considered view, that it is a fit case for quashing the complaint/FIR or charge sheet at this stage. The police have also filed sufficient material for proceedings against the petitioner for trial. Accordingly, I pass the following.

ORDER

The criminal petition filed by the Petitioners/accused Nos.1 to 4 is ***dismissed***.

**Sd/-
JUDGE**

SMC
CT:SK