

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****DATED THIS THE 10<sup>TH</sup> DAY OF AUGUST, 2023****BEFORE****THE HON'BLE MR JUSTICE R. NATARAJ****CRIMINAL PETITION NO. 7535 OF 2018****BETWEEN:**

1. SRI. LAL CHAND  
AGED ABOUT 75 YEARS  
S/O. SRI.PUKRAJ  
NO.118, SHIVAJI ROAD  
SHIVAJI NAGAR  
BENGALURU - 560 051
2. SRI. C. SAMPATHRAJ MANDOTH  
AGED ABOUT 71 YEARS  
S/O SRI. MANGILAL MANDOTH  
NO.32, CHANDANI CHOWK ROAD  
SHIVAJI NAGAR  
BENGALURU - 560 051
3. SRI. SUDARSHAN KUMAR MANDOTH P.  
AGED ABOUT 51 YEARS  
S/O. SRI. PARASMAL MANDOTH  
NO.6/1 UNION STREET  
SHIVAJINAGAR  
BENGALURU - 560 051
4. SRI. KISHOR GADIA  
AGED ABOUT 59 YEARS  
S/O. SRI. PARTHIVRAJ  
NO.44, SHIVAJI ROAD  
SHIVAJINAGAR  
BENGALURU - 560 051
5. TRILOKCHAND KATARIA  
AGED ABOUT 56 YEARS





S/O SRI. SAMPATHRAJ  
NO.171, SHIVAJI ROAD  
SHIVAJINAGAR  
BENGALURU - 560 051

...PETITIONERS

(BY SRI. ABHINAV RAMANAND A., ADVOCATE)

**AND:**

1. COMMERCIAL STREET POLICE STATION  
BENGALURU - 560 001  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA  
BENGALURU

2. PARASMAL ROONWAL  
AGED ABOUT 62 YEARS  
NO.10,. SHIVAJI ROAD  
SHIVAJINAGAR  
BENGALURU - 560 051

...RESPONDENTS

(BY SMT. K.P. YASHODHA, HCGP FOR R1;  
SRI. P.P. HEGDE, SENIOR COUNSEL FOR,  
SRI. VENKATESH SOMAREDDY, ADVOCATE FOR R2)

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.P.C  
PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN  
C.C.NO.51461/2018 ON THE FILE OF THE XLIII ADDITIONAL  
CHIEF METROPOLITAN MAGISTRATE, MAYOHALL UNIT,  
BANGALORE AT ANNEXURE A TO THE CRIMINAL PETITION AND  
ALL FURTHER PROCEEDINGS IN RELATION TO THERETO ETC.

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

**ORDER**

The petitioners have filed this petition challenging the  
prosecution initiated against them in C.C.No.51461/2018 for



the offences punishable under Sections 143, 341, 506 read with 149 of IPC, which is pending trial before the XLIII Additional Chief Metropolitan Magistrate, Mayohall, Benglauru City (for short, 'trial Court').

2. Respondent No.2 lodged information in writing before respondent No.1 on 01.06.2017, stating that he was the acting President of Shwethambar Sthanakwasi Baweas Sampradaya Jain Sangh and was managing the said Sangh with the assistance of its members. He alleged that on 10.05.2017, the accused broke open the wall behind the office premises of the Sangh and stole all the documents, Cheque Books, Bank Statements, Minutes Books belonging to the office. He alleged that when he came to know of the same, he rushed to the premises and enquired with the accused but they threatened him of dire consequences. He claimed that the accused started illegal construction, claiming that they were the Trustees and were entertaining anti social elements who were perpetrating illegal activities. He alleged that whenever he tried to go near the premises, he was intimidated by unknown unruly elements.



3. Based on this, the jurisdictional police registered a case in Crime No.50/2017 for the offences punishable under Sections 448, 380, 506, 427 read with 149 of IPC.

4. Later, the jurisdictional police, after conducting an investigation, filed a charge sheet for the aforesaid offences and the same is challenged before this Court.

5. In the meanwhile, proceedings for arbitration was initiated as provided in the Deed of Trust dated 14.11.2011. An Arbitrator was appointed who entered reference and after conducting an enquiry, passed an award dated 18.10.2019, in terms of which, he gave several directions putting an end to the constitution of a society namely, Vardhaman Sthanakwasi Jain Sangh and also directed all persons interested in the affairs of the Trust to enroll themselves in accordance with the Deed of Declaration of Trust during the year 1947. The Arbitrator also prevented the accused from holding either that they are in-charge of administering the affairs of the Trust or interfering with the management of the Trust in any manner.

6. Learned counsel for the petitioners submit that the dispute essentially was within two factions who were claiming



control over the Trust and now that all issues are put to rest by the award passed by the Arbitrator, nothing survives as the petitioners have also accepted the award passed by the Arbitrator.

7. Per contra, learned Senior counsel for respondent No.2 submits that the petitioners had taken law into their hands by demolishing the wall of the office premises of the Sangh and stolen away all the documents and therefore, the law has to take its course and the petitioners are bound to face trial.

8. A perusal of the complaint and the award of the arbitrator does indicate that there was an ongoing feud between the petitioners and another faction in the Trust. It is also evident that the petitioners had tried to take over the Trust and its office and other documents. The dispute between the petitioners and respondent No.2 was primarily a civil dispute that had to be adjudicated before the competent civil Court, but given a criminal cloak.

9. Be that as it may, now that the Arbitrator has passed an award and has cleared the air as to which is the lawful Trust



and which is not, and issued various directions to those desirous of becoming members of the Trust, it is deemed that all the parties to the dispute are satisfied with the award passed by the Arbitrator, since the award is not challenged before any Court of law.

10. In that view of the matter, continuation of the criminal proceedings to prosecute the petitioners may not yield any results but would be a wasteful expenditure of judicial time. Therefore, it is appropriate to terminate the proceedings against the petitioners. Consequently, the criminal petition is **allowed** and the impugned prosecution of the petitioners in C.C.No.51461/2018 for the offences punishable under Sections 143, 341, 506 read with 149 of IPC, which is pending trial before the trial Court, is hereby quashed.

**Sd/-  
JUDGE**

MKM  
CT:SNN