



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MS. JUSTICE J.M.KHAZI

CRIMINAL PETITION NO. 1893 OF 2023

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

BETWEEN:

G. RAVI KUMAR
S/O LATE B GOVINDARAJ
AGED ABOUT 61 YEARS
R/O INFRONT OF ABC
BEHIND COFFEE DAY, K M ROAD
CHIKKAMANGALURU CITY

...PETITIONER

(BY SRI. ABHISHEK K, ADVOCATE)

AND:

1. STATE OF KARNATAKA
STATE BY CHIKKAMAGALURU
RURAL POLICE STATION
REPRESENTED BY GOVERNMENT ADVOCATE
HIGH COURT, BENGALURU-560001

2. RAKSHITH G M
S/O MALLESH G S
AGED ABOUT 24 YEARS
R/O GAVANA VILLAGE
RAMPURA POST, CHIKKAMAGALURU TALUK

...RESPONDENTS

(BY SMT. N.ANITHA GIRISH, HCGP FOR R1;

SRI.PRAKASH.M.PATIL, ADVOCATE FOR R2)



THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO QUASH THE FIR AND COMPLAINT IN CHIKKAMAGALURU RURAL P.S AGAINST THE PETITIONER IN CR.NO.42/2023 PENDING ON THE FILE OF I ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., CHIKKAMAGALURU FOR THE OFFENCE P/U/S 447, 427, 379, 506 R/W 149 OF IPC 1860.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MS. JUSTICE J.M.KHAZI

ORAL ORDER

Petitioner who is sole accused has filed this petition under Section 482 of the Code of Criminal Procedure, to quash the criminal proceedings initiated against him in Cr.No.42/2023 of Chikkamagalur Rural PS, for the offences punishable under Sections 379, 427, 447, 506 r/w 34 of IPC.

2. In support of the petition, petitioner has contended that the land in Sy.No.92/P2 of Gavanahalli, Chikkamagalur Taluk, measuring 4 acres was originally a grant land in favour of Siddamma, W/o Siddaiah as per Saguvali Chit No.226/1978-79 dated 07.07.1978 with a rider not to alienate for 15 years. Petitioner has been in



possession of the said land since 1992 under original grantee Siddamma. The lease was further renewed on 12.03.2012 for 30 years.

2.1 Since Siddamma was in financial crisis, she decided to sell the said land to the wife of petitioner and executed a registered sale agreement dated 25.05.2013. However, the Assistant Commissioner cancelled the agreement citing prohibition and not securing prior approval. Since the period of 15 years has already lapsed, petitioner appealed against it. The dispute is purely civil in nature. Since 30 years petitioner is in possession of the land in question. The LRs of Siddamma have consented for change of Khata. The wife of petitioner has secured commercial trade license in respect of the said property.

2.2 When things stood thus, complainant is trying to trespass into the said property. Even petitioner had filed a complaint against the complainant of interference and he and his family members have given an undertaking that



they would not interfere. However, he is causing interference and intimidation and destroyed the fence and equipments of petitioner's wife. In collusion with the concerned police, he has filed a false complaint. Continuation of criminal proceedings would amount to abuse of the process of the Court and hence the petition.

3. On the other hand, learned High Court Government Pleader representing respondent No.1 State and learned counsel for respondent No.2 would submit that land in Sy.No.92/P2 of Gavanahalli, Kasaba Hobli, Chikkamagalur Taluk was granted in the name of Siddamma, grandmother of respondent No.2 and Saguvali Chit was issued. After her death, Khata was transferred in the name of her son Mallesha. He is in possession and enjoyment of the same. He has given GPA in favour of respondent No.2. However, on 30.01.2023, when respondent No.2 and his family members were grafting the silver trees available in the said land, the concerned police came and revealed that petitioner has given complaint



against them and directed to produce the documents of title. Petitioner is not having any other land adjoining the said property and since from the date of grant, the family of respondent No.2 is in possession and enjoyment of the same. On the other hand, petitioner has illegally constructed a home stay in the adjoining Government land and trying to encroach upon the scheduled property. Even they have gone to the extent of removing the stones and barbed fence of scheduled property and caused loss of Rs.5 lakhs and hence, the complaint.

4. Heard arguments and perused the record.

5. Thus, according to the petitioner, Sy.No.92/P2 measuring 4 acres, which was granted to Siddamma, the grandmother of respondent No.2 was initially taken on mortgage after the period of prohibition and later he has purchased it in the name of his wife and they are in possession and enjoyment of the same. This fact is disputed by respondent No.2. He claims to be in possession and enjoyment and alleged that on the



intervening night of 03/04-02-2023, petitioner has committed criminal trespass, removed the barbed fence and gate and taken them away.

6. The petitioner is relying upon the unregistered mortgage deed and sale agreement dated 25.05.2013. It appears he has not filed any suit for specific performance. There are also allegations that petitioner has illegally constructed home stay in Government land and want to encroach upon the adjoining property belonging to respondent No.2. Even though the dispute appears to be civil in nature, there are specific allegations of mischief, trespass, theft and giving threat to the life of complainant. These aspects attract criminal liability and there is necessity of investigating the said allegations by the concerned police. Disputed facts cannot be decided in a petition under Section 482 Cr.P.C and therefore, the petition is liable to be dismissed and accordingly, the following:



ORDER

Petition filed by the petitioner/accused under
Section 482 Cr.P.C is hereby rejected.

**Sd/-
(J.M.KHAZI)
JUDGE**

RR
List No.: 1 Sl No.: 31