



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 164 OF 2024

BETWEEN:

1. SRI. C.R.VIJAYAKESHA,
AGED ABOUT 58 YEARS,
S/O LATE SRI.C.RAMASWAMY,
2. SRI.C.V.APOORVA,
AGED ABOUT 36 YEARS,
S/O SRI.C.R.VIJAYAKESHA
BOTH ARE RESIDING AT
VAIKUNTA ROAD,
BELUR TOWN,
HASSAN DISTRICT - 573115.
3. SRI B.M.RANGANATHA
AGED ABOUT 45 YEARS,
S/O LATE SRI B.G.MANJAPPA,
SRICHAKRA DIAGNOSTICS CENTER,
OPPOSITE TO GOVT. HOSPITAL,
CHENNAKESHA ROAD,
BELUR, HASSAN DISTRICT - 573115.

...PETITIONERS

(BY SRI. K.S.GANESHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
AREHALLI POLICE STATION,

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

HALEBEEDU CIRCLE,
HASSAN DISTRICT - PIN
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. SRI.YATHISHKUMAR M.N.,
DIRECTOR,
AGE 55 YEARS,
M/S ANTHILL DEVELOPERS (P) LTD.,
NO.03, MATA PITRU NILAYA,
SWEET WATER WELL ,
NAGASHETTY HALLI,
BENGALURU - 560 094.
OFFICE ADDRESS :
GREEN PASTURE RESORT,
KHARAGODU VILLAGE, BIKKODU HOBLI,
BELUR TALUK, HASSAN DISTRICT - 573215

...RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
SRI.DARSHAN L., ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO SET
ASIDE THE ORDER DATED 17.12.2022 PASSED IN PCR
NO.101/2022 BY THE CIVIL JUDGE AND JMFC, BELUR, AND
ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Crime No.02/2023 (arising out of PCR No.101/2022) dated 05.01.2023 registered by Arehalli Police Station against the petitioners for the offence punishable under Sections 420 of IPC, on the file of Civil Judge and JMFC Court, Belur (for short, "the learned Magistrate") and also to set aside the order to register and investigate dated 17.12.2022 by the learned Magistrate.

2. Brief facts of the case are that respondent No.2 lodged a private complaint against the petitioners in PCR No.101/2022 before the learned Magistrate for the offence punishable under Section 420 of IPC. The learned Magistrate, by order dated 17.12.2022, referred the said private complaint under Section 156(3) of Cr.P.C., to the jurisdictional Police for investigation. The said Police registered an FIR in Crime No.2/2023 dated 05.01.2023. Aggrieved by the same the petitioners preferred this petition to quash the proceedings and set aside the order



CNR: KAHC010007242024

**NC: 2026:KHC:53031
CRL.P No. 164 of 2024**

dated 17.12.2022 passed by the learned Magistrate, as well as to quash the FIR registered against them.

3. Heard the learned counsel for the respective parties and learned HCGP.

4. The primary contention of the learned counsel for the petitioners is that the private complaint is filed by respondent No.2 only to give criminal colour to the civil dispute pending between the petitioners and respondent No.2. According to learned counsel, under a lease agreement, the petitioners were put-in possession of the property belonging to respondent No.2 on 28.07.2014 to run a resort. Thereafter due to the non-payment of rent and other disputes, the petitioners filed an original suit against respondent No.2 in OS No.356/2022 for injunction. However in turn respondent No.2 also filed a suit against petitioners in OS No.14/2023. In the meantime this private complaint has been filed by respondent No.2. As such, the dispute between the parties is purely civil in nature, FIR registered against the petitioners is out of vengeance and the



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

same is liable to be quashed. Accordingly he prays to allow the petition.

5. *Per contra* this prayer is opposed by the learned counsel for respondent No.2 on the ground that there are specific averments in the private complaint that the petitioners by inducing respondent No.2, took the possession of the property and thereafter, failed to perform the contract as per the agreement. As such, he committed offence under Section 420 of IPC. He also contended that the case is at the nascent stage, and the investigation is yet to commence, in such circumstances, the FIR cannot be quashed. Accordingly, he prays to dismiss the petition.

6. Learned HCGP also opposed the prayer on the similar ground and prayed to dismiss the petition.

7. I have given my anxious consideration both on the submission and perused the entire materials available on record.



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

8. As could be gathered from the private complaint and FIR, undisputedly, there are multiple civil disputes between the parties in connection with the Agreement executed between them for the property belonging to respondent No.2. The suit filed by both the parties decreed and the appeals are pending for consideration. As such, on the similar allegation of non-payment of rent and other aspects, this private complaint is filed. The Hon'ble Apex Court in the case of **BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT** in **SLP (CrI) No.15537/2023** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:

"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,¹² namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

9. However, on perusal of the averments of the private complaint, it could be gathered that, in order to give a criminal colour to the civil dispute and out of vengeance against the petitioners, respondent No.2 filed this private complaint. In such circumstances, the Hon'ble Apex Court, in the case of ***Mahmood Ali v. State of U.P.***, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

"11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

13. *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*

14. *State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)*

"5. ... Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

(emphasis supplied)



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

10. The aforesaid findings of the Hon'ble Apex Court in the above judgments are squarely applicable to the facts and circumstances of the present case. The private complaint appears to have been lodged against the petitioners by respondent No.2 out of vengeance. In such circumstances, even if the allegations made in the private complaint are taken at their face value, no offence is made out against the petitioners. Therefore, continuation of the criminal proceedings against the petitioners/accused Nos.1 to 3 would amount to an abuse of the process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The Criminal Petition is ***allowed***.
- ii. The order dated 17.12.2022 passed in PCR No.101/2022 by the Civil Judge and JMFC, Belur, against the petitioners/accused Nos.1 to 3 is hereby set aside.
- iii. The FIR registered in Crime No.2/2023 by Arehalli Police against the petitioners/accused Nos.1 to 3 pending



CNR: KAHC010007242024

NC: 2026:KHC:53031
CRL.P No. 164 of 2024

on the file of Civil Judge and JMFC, Belur
is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG/List No.: 2 SI No.: 4