



CNR: KAHC010038002020

NC: 2026:KHC:55773
CRL.P No. 3897 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 3897 OF 2020 (482(Cr.PC)
/ 528(BNSS))

BETWEEN:

1. SRI.H.K. MUPPANE Gowda
S/O LATE KALLAPPA,
AGED ABOUT 49 YEARS
R/AT HONNAVALLI,
TIPTUR TALUK
TUMAKURU - 572 217.
2. SRI H S GANGADHARA
@ GANGADHARAGOWDA
S/O SRI SHEKARAPPA
AGED ABOUT 49 YEARS
R/AT HONNAVALLI,
TIPTUR TALUK
TUMAKURU - 572 217.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. H V BHANUPRAKASH .,ADVOCATE)

AND:

1. STATE BY TIPTUR TOWN P.S
TIPTUR
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE - 560 001.



NC: 2026:KHC:55773
CRL.P No. 3897 of 2020

2. SMT. PREMALATHA H E
W/O SRI ASHOK H N
AGED ABOUT 34 YEARS
R/AT HONNAVALLI, TIPTUR TALUK
TUMAKURU - 572 217.

...RESPONDENTS

(BY SRI. MOHAMMAD AYUB ALI, ADDL SPP FOR R1;
SRI. JAGADESH H.T.,ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C R PRAYING TO PASS JUDGMENT IN FAVOUR OF PETITIONER BY QUASHING THE CHARGE SHEET DATED 25.04.2017, FILED BY THE 1ST RESPONDENT POLICE THAT IS TIPTUR TOWN POLICE IN F.I.R NO.169/2016 PRESENTLY REGISTERED AS C.C.NO.992/2017 FOR THE OFFENCE P/U/S.420,114 R/W SEC.34 OF IPC PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C AT TIPTUR, TUMAKURU DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioners and learned counsel for the respondents.

2. Prayer sought for in this petition by the accused Nos.4 and 5 that they are only witnesses to the gift deed. Hence, prayer sought for quashing of the charge sheet dated 25.04.2017 invoking the offence punishable under Sections 420, 114 r/w Section 34 of IPC and grant such other relief.



3. The factual matrix of the case of the prosecution is that based on the complaint filed by the complainant/respondent No.2 before the respondent No.1/Police, FIR in Crime No.169/2016 was registered for the offence punishable under Sections 498A, 420, 506, 114 r/w Section 149 of IPC. Thereafter, charge sheet was filed. While filing the charge sheet not invoke the Sections 498A and 506 but only invoke Sections 420, 114 r/w Section 34 of the IPC and come to conclusion that accused No.1 took the document of gift deed by playing fraud and got the signature of the respondent No.2 to the mortgage deed and the allegation is that at the instance of the instigation of the accused Nos.2 to 4 the said document came into existence. But on perusal of charge sheet specific allegation is made against the accused No.1 that he played fraud to obtain the gift deed, apart from mortgage document.

4. Learned counsel appearing for the petitioner would submit that these petitioners are the witnesses to the said document. They don't have knowledge about gift deed was obtained by Accused No.1 by playing fraud and merely because



CNR: KAHC010038002020

NC: 2026:KHC:55773
CRL.P No. 3897 of 2020

they are the attestors, they cannot be prosecuted. There was no instigation at the instance of the petitioners to sign the document and there was no dispute between the husband and wife and that too they were called for executing a document of mortgage deed.

5. Learned counsel in support of his argument relies upon the judgment passed by this Court in Crl.P.No.100659/2023 and brought to the notice of this Court paragraph No.12 wherein this Court has relied upon the judgment of the High Court of Chattisgarh in the case of **M SRIKANTH VS. STATE OF TELANGANA AND ANOTHER** reported in **2019 (10) SCC 373** and also the judgment of the Apex Court in the case of **M.L. ABDUL JABBAR SAHIB VS. M.V. VENKATA SASTRI AND SONS AND OTHERS** reported in **1969(1) SCC 573**. Referring to these judgments both counsel submit that attesting witnesses cannot be hauled into the web of crime, if there is no other allegation except that they are attesting witnesses.



6. Learned counsel also submits that these two petitioners being the witnesses cannot be prosecuted on any allegation of fraud only against accused No.1.

7. Learned HCGP appearing for the respondent –State submits that no dispute with regard to these two petitioners have signed the document of gift deed and they were aware of the fact and also specific allegation is made that at the instance of the accused Nos.2 to 4, these documents come into existence and it is a matter of trial.

8. Heard learned counsel appearing for the petitioners and learned HCGP appearing for the respondent-State.

9. Learned counsel brought to the notice of this Court the document of gift deed and in the gift deed these two witnesses are signed as witnesses. The document was prepared by the document writer. Learned counsel also contended that any role of fraud is committed by the accused No.1 and not these petitioners. Considered the material placed on record. The petitioners are signed the document as attested witnesses



and also allegation of cheating committed by the accused No.1 and invoke offences punishable under Section 114 against these petitioners when they have been shown as witnesses to the document, they cannot be prosecuted merely because they have signed the document as witnesses. The Judgments relied upon by the petitioners, which is referred by this Court of the Apex Court as well as judgment of High Court of Chattisgarh, wherein also it is clear that attesting witnesses cannot be hauled into the web of crime, if there is no other allegation except that they are attesting witnesses and documents clearly discloses that both of them have signed as attesting witnesses and such being the case, petitioners are made out the case for quashing of the charge sheet.

10. In view of the discussion, I pass the following;

ORDER

(i) Petition is **allowed**.

(ii) The Charge sheet dated 25.04.2017 filed by the 1st respondent Police, i.e., Tiptur town police in FIR No.169/2016 registered as C.C.No.992/2017 for the offence punishable under Sections 420, 114 r/w Section



NC: 2026:KHC:55773
CRL.P No. 3897 of 2020

CNR: KAHC010038002020

34 of the IPC, pending on the file of the Senior Civil Judge and JMFC, Tiptur, Tumkur District is *quashed* in respect of these petitioners only.

Sd/-
(H.P.SANDESH)
JUDGE

RU
List No.: 1 Sl No.: 20