

Reserved on : 03.03.2026

Pronounced on : 16.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No. 472 OF 2026

C/W

CRIMINAL PETITION No. 104961 OF 2025

WRIT PETITION NO. 108746 OF 2025 (GM-RES)

IN CRIMINAL PETITION No. 472 OF 2026

BETWEEN:

MEHABOOB ALLABAKSH DUNDASI
S/O ASHPAK DUNDASI @ ALLABHAKSH DUNDASHI,
AGED ABOUT 35 YEARS,
HOUSE NO. 34, ADYAPAK NAGAR,
OPPOSITE INCOME TAX, 2ND CROSS,
SIDDARAMESHWAR NAGAR, NAVANAGAR,
T/Q: HUBLI, DIS: DHARWAD,
PIN CODE 580 032.

... PETITIONER

(BY SRI SANDESH J CHOUTA, SENIOR ADVOCATE A/W
SRI AVINASH M ANGADI, ADVOCATE;
SRI SUNIL KUMAR.S, ADVOCATE;
SRI HEMANTH KUMAR L. HAVARAGI, ADVOCATE)

Digitally signed
by SANJEEVINI
J KARISHETTY
Location: High
Court of
Karnataka

AND:

THE DIRECTORATE OF ENFORCEMENT,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS ASSISTANT,
DIRECTORATE BANGALORE ZONAL OFFICE,
3RD FLOOR, B BLOCK, BMTC, SHANTINAGAR,
TTMC, KH ROAD, BENGALURU 560 027.
REP BY ITS SPECIAL PUBLIC PROSECUTOR.

... RESPONDENT

(BY SRI K. ARVIND KAMATH, ADDITIONAL SOLICITOR GENERAL
A/W SRI MADHUKAR DESHPANDE, CGC)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, 2023, PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER/ACCUSED NO.9 IN SPL.C.NO.233/2024 VIDE ANNEXURE-A, PENDING ON THE FILE OF HONBLE III ADDL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU WHICH IS REGISTERED FOR THE ALLEGED OFFENCES P/U/S 45 R/W 44 OF PREVENTION OF MONEY LAUNDERING ACT, 2002, FOR COMMISSION OF PMLA AND PUNISHABLE U/S 3, 4 AND SECTION 8(5) OF PMLA ARISING OUT OF THE DIRECTORATE OF ENFORCEMENT REPRESENTED BY ITS ASSISTANT DIRECTORATE BANGALORE ZONAL OFFICE COMPLAINT DATED 30.11.2023 IN ECIR/BGZO/40/2023 VIDE ANNEXURE-B.

IN CRIMINAL PETITION No. 104961 OF 2025**BETWEEN:**

MAYBOOB DUNDASHI @
ASHPAK ALLABAKSHA DUNDASHI,
S/O ALLABAKSHA DUNDASHI,
AGED ABOUT 32 YEARS,
OCC: REAL ESTATE DEALER,

R/O: OPP AL AMEEN HOSPITAL ROAD,
3RD CROSS, VIJAYPUR,
T/Q & DIS: VIJAYPUR,
PIN CODE: 586 111.

... PETITIONER

(BY SRI SANDESH J CHOUTA, SENIOR ADVOCATE A/W
SRI AVINASH M ANGADI, ADVOCATE;
SRI HEMANTH KUMAR L HAVARAGI, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA,
THROUGH VIDYAGIRI POLICE STATION,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD – 580 001.
- 2 . SMT. RAJESHWARI BASALINGAPPA YARAGATTI,
W/O BASALINGAPPA YARAGATTI,
AGED ABOUT 58 YEARS,
OCC: LECTURER,
R/O : H NO. 03, VIHAR DEVARAJ URAS COLONY,
BASAVA NAKUDACHI, BELAGAVI CITY,
T/Q: AND DIST: BELAGAVI,
PIN CODE- 590 001.

... RESPONDENTS

(BY SRI B.N JAGADEESHA, ADDL. SPP FOR R-1;
SRI S K KAYAKAMATH, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF
BNSS, 2023, PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.C. NO. 3619/2023 PENDING ON THE FILE BEFORE THE HON'BLE
III. ADDL. SENIOR CIVIL JUDGE AND CJM DHARWAD, AGAINST
THE PETITIONER/ACCUSED NO.07 ARISING OUT OF COMPLAINANT

DATED 19.04.2023, FIR IN CRIME NO. 0072/2023 AND CHARGESHEET FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 120B, 166, 167, 403, 419, 465, 467, 468, 471, 409, 420 R/W 149 OF IPC IN RESPECT OF THE PETITIONER HEREIN.

IN WRIT PETITION NO. 108746 OF 2025

BETWEEN:

MEHABOOB @ ASHPAK A. DUNDSHI,
S/O ALLABHAKSH DUNDSHI,
AGED ABOUT 42 YEARS,
OCC: BUSINESS,
RESIDENT OF TORAVI,
T/Q: TORAVI, DIS: VIJAYAPURA,
PIN CODE- 586 108.
REPRESENTED BY HIS BROTHER ARIF.

... PETITIONER

(BY SRI SANDESH J CHOUTA, SENIOR ADVOCATE A/W
SRI AVINASH M ANGADI, ADVOCATE;
SRI HEMANTH KUMAR L HAVARAGI, ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA,
THROUGH VIDYAGIRI POLICE STATION,
REPRESENTED BY H.C.G.P. HIGH COURT,
DHARWAD – 580 001.
- 2 . MAMATHA HOSAGOUDAR,
C/O JAGADISH HOSAGOUDAR,
SPECIAL LAND ACQUISITION OFFICER,
AGED ABOUT MAJOR,
KIADB, LAKAMANAHALLI,
DHARWAD REGIONAL OFFICE DHARWAD,
R/A MAHANTESH ANGADI,

GANDHINAGAR, PIN CODE-580 029.

... RESPONDENTS

(BY SRI B.N JAGADEESHA, ADDL. SPP)

THIS WRIT PETITION IS FILED UNDER SECTIONS 226 AND 227 OF THE INDIAN CONSTITUTION R/W SECTION 528 OF BNSS, 2023 PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN SPL. C. NO. 01/2025 PENDING ON THE FILE OF III ADDL. SENIOR CIVIL JUDGE, CJM DHARWAD VIDE ANNEXURE-A ARISING OUT OF COMPLAINT DATED 20.12.2022, FIR IN CRIME NO. 0251/2022 AND CHARGESHEET NO. 01/2023 DATED 02.06.2023, CHARGESHEET NO. 02/2023 DATED 11.09.2023, CHARGESHEET NO. 03/2025, DATED 16.07.2025, REGISTERED BY THE VIDYAGIRI POLICE STATION, DHARWAD/RESPONDENT NO. 01 FOR THE OFFENCES PUNISHABLE 406, 409, 419, 420, 465, 467, 468, 471, 201, 204 R/W 34 OF IPC AS PER ANNEXURE-D IN SO FAR PETITIONER/ACCUSED NO. 18 IS CONCERNED.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 03.03.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner, in the batch of these petitions, is common. Criminal Petition No.104961 of 2025 calls in question proceedings in C.C.No.3619 of 2023 arising out of Crime No.72 of 2023 registered for offences punishable under Sections 120B, 166, 167, 403, 419, 465, 467, 468, 471, 409, 420 r/w 149 of the IPC.

Writ Petition No.108746 of 2025 calls in question proceedings in Special Case No.1 of 2025 arising out of crime in Crime No.251 of 2022 for offences punishable under Sections 406, 409, 419, 420, 465, 467, 468, 471, 201, 204 r/w 34 of the IPC. These are challenge to the predicate offences i.e., under the IPC *inter alia*.

Criminal Petition No.472 of 2026 calls in question proceedings initiated by the Enforcement Directorate based upon predicate offences. As observed hereinabove, since the petitioner is common and the facts arising in all these cases are identical, they are taken up together and considered by this common order. However, I deem it appropriate to notice the facts obtaining in each of the petitions.

2. Facts in brief, germane, are as follows: -

Writ Petition No.108746 of 2025:

2.1. The 2nd respondent is the complainant/Special Land Acquisition Officer of the Karnataka Industrial Areas Development Board ('the Board' for short). The petitioner is accused No.18. A complaint comes to be filed on 20-12-2022 by the 2nd respondent/

Special Land Acquisition Officer against several persons including the petitioner. The Special Land Acquisition Officer alleges that on internal investigation and securing a report thereon it came to her knowledge that lands that came within the villages of Kelageri, Mummmigatti and Koturu were all subject matter of acquisition by the Board. The acquisition proceedings concluded in the years 2011-12, 2012-13 and 2018. The landowners were granted compensation for acquisition of these lands in the years 2013 and 2018 itself. When things stood thus, in the year 2022, for the same lands that had been acquired for which compensation had been paid, another application seeking compensation is filed and about ₹19,99,55,000/-is disbursed as compensation for the second time by the Board. Several persons including the officers of the Board are said to have connived into grant of compensation of close to ₹20/- crores all over again for those very lands, for which compensation had already been paid. This complaint comes to be registered on 20-12-2022, which becomes a crime in Crime No.251 of 2022 initially for offences punishable under Sections 406, 409, 420 r/w 34 of the IPC. The police conduct investigation and file a charge sheet against all the accused. At the time of registration of

crime, the petitioner was not arrayed as an accused. He comes into the picture as accused No.18 while filing the charge sheet. The concerned Court takes cognizance of the offence and registers Special Case No.1 of 2025 on the charge sheet filed in Crime No.251 of 2022. It is this that is called in question in the subject petition.

Criminal Petition No.104961 of 2025:

2.2. The petitioner remains the same. He is accused No.7 in this petition. Facts remain almost identical. The acquisition in the case at hand is Sy.No.640/A measuring 2 acres 13 guntas and ₹18,88,224/- had already been disbursed as compensation in the year 2008 itself. In the year 2022, all over again, compensation is sought for. Here again the allegation is connivance with the officials along with several other accused. The police conduct investigation and file a charge sheet against the petitioner as well. Therefore, the petitioner is before this Court calling in question the said filing of charge sheet and registering C.C.No.3619 of 2023. As observed hereinabove these form the predicate offence.

Criminal Petition No.472 of 2026:

2.3. Based upon the aforementioned predicate offence, the Enforcement Directorate springs into action by registering Special Case No.233 of 2024 arising out of Enforcement Case Information Report ('ECIR' for short) bearing No.ECIR/BGZO/40/2023. The petitioner, in the subject case, is arrayed as accused No.9. It is the case of the Enforcement Directorate that a crime in Crime No.251 of 2022 is registered in which the petitioner is accused No.18. A crime in Crime No.72 of 2023 is registered against 9 accused and the petitioner is accused No.7. Another crime in Crime No.150 of 2023 is also registered and is pending investigation. Based upon the aforesaid predicate offences, an ECIR comes to be registered on 30-11-2023. After registration of the said ECIR springs another crime in Crime No.164 of 2024, which is also pending investigation. The ECIR is now based upon the aforementioned predicate offences. A coordinate Bench of this Court grants an interim order of stay of all further proceedings in the predicate offences, which are challenged in the companion petitions. On the grant of interim order, the subject petition is preferred on the score that if the

predicate offence itself is stayed, the Enforcement Directorate cannot proceed in Special Case No.233 of 2024. Therefore these matters, both predicate offences and the Special Case No.233 of 2024, challenged in the subject petition, were all directed to be tagged together and are heard.

3. Heard Sri Sandesh J. Chouta, learned senior counsel appearing for the petitioner in all the cases; Sri K. Arvind Kamath, learned Additional Solicitor General of India along with Sri Madhukar Deshpande, learned Central Government Counsel appearing for the respondent in Criminal Petition No.472 of 2026; Sri B.N.Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1 in Criminal Petition No.104961 of 2025 and for all the respondents in W.P.No.108746 of 2025 and Sri S.K.Kayakamath, learned counsel appearing for respondent No.2 in Criminal Petition No.104961 of 2025.

4.1. The learned senior counsel Sri Sandesh J. Chouta appearing for the petitioner in all these cases would vehemently contend that the petitioner has no role to play in the entire episode

of crime. He is alleged to be the middleman who has facilitated disbursement of compensation twice to the lands. He would contend that none of the ingredients of the offences alleged are made out in the case at hand. In Crime No.72 of 2023 which is now registered as C.C.No.3619 of 2023, the concerned Court has taken cognizance of several offences, which cannot even become applicable to the petitioner. Cognizance is taken and the petitioner is arrayed as accused No.7 without any overt act directly against the petitioner. What is alleged is, the petitioner is an agent of the Board and is well acquainted with the Officers, particularly accused Nos. 8 and 9. He would further submit that on the voluntary statements of other accused, the petitioner has been dragged into the web of these proceedings. Therefore, it cannot be said that the prosecution against the petitioner should be permitted to be continued. He would, therefore, seek quashment of proceedings.

4.2. The learned senior counsel would submit that in Writ Petition No.108746 of 2025 the petitioner is accused No.18. He is drawn while filing the additional charge sheet/supplementary charge sheet. There is no evidence directly against the petitioner.

Forty-nine witnesses are examined during the conduct of investigation. Only three of them speak about the petitioner. There is no incriminating material against the petitioner except the statement of those three persons. Therefore, there is no warrant for continuation of prosecution in the case at hand as well, is his submission.

4.3. The learned senior counsel would submit that if this Court would accept that both predicate cases deserve to be quashed, the ECIR would automatically get obliterated. Even otherwise, the learned senior counsel would submit that there are no proceeds of crime for which the Enforcement Directorate can spring into action in the case at hand. Unless the proceeds of crime arise out of criminal activity, the Enforcement Directorate would have no locus to enter into these proceedings.

5. *Per contra*, the learned Additional State Public Prosecutor Sri B.N. Jagadeesha appearing for the State in the predicate offences would vehemently refute the submissions in contending that the petitioner is the kingpin in all these cases. He is the agent

to process the papers after securing them from the landowners and moves on in the Board as a middleman in getting compensation to the landowners. Therefore, he is an agent in the Board who has played fraud by processing the applications all over again. He would submit that the petitioner may not be solely responsible for disbursement of compensation twice over, but the fact remains that public money to the tune of ₹20/- crores is disbursed, to whom is necessary to be investigated into. Therefore, the Officers of the Board, the landowners, if any, and the persons involved in the transaction are all accused. Therefore, it is for the petitioner to come out clean in a full-blown trial. This Court should not, at this juncture, interfere and quash the proceedings against the petitioner, as the offences are grave. He would seek dismissal of these petitions.

6. The learned Additional Solicitor General of India Sri K Arvind Kamath along with learned Central Government Counsel Sri Madhukar Deshpande appearing for the Enforcement Directorate would submit that even if the predicate offences are stayed, there are two other crimes that are registered, which are not challenged.

Therefore, the ECIR would undoubtedly survive. Even otherwise, the matter is being heard. In the event predicate offences would be quashed, it is the submission of the learned Additional Solicitor General and the learned Central Government Counsel that, they should be reserved liberty to independently submit on the challenge to the Special Case No.233 of 2024, which concerns proceedings initiated by the Enforcement Directorate. Learned Additional Solicitor General and the learned Central Government Counsel would submit that the petitioner has suppressed several factors and the petitioner has been absconding throughout and is now evading a non-bailable warrant issued by the concerned Court. Therefore, this Court must not interfere in the proceedings before the Special Court initiated by the Enforcement Directorate.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. In Writ Petition No.108746 of 2025, the challenge is to the proceedings in Special Case No.1 of 2025. The petitioner is accused

No.18. The factors are narrated hereinabove. Those need not be reiterated again, except noticing the complaint so registered by the Special Land Acquisition Officer against several persons. The complaint which triggered the investigation reads as follows:

“ಪೊಲೀಸ ಇನ್ಸ್‌ಪೆಕ್ಟರ್
ವಿದ್ಯಾಗಿರಿ ಪೊಲೀಸ್ ಠಾಣೆ
ಧಾರವಾಡ ಇವರಿಗೆ,

ಮಾನ್ಯರೆ,

ವಿಷಯ:- ಸರಕಾರಿ ಕರ್ತವ್ಯದಲ್ಲಿ ಲೋಪವೆಸಗಿ ವಂಚನೆ ಮಾಡಿದವರ ಮೇಲೆ ಹಾಗೂ
ಖಾಸಗಿ ಜನರ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಿಸುವ ಕುರಿತು.

** ** *

ನಾನು ಶ್ರೀಮತಿ: ಮಮತಾ ಕೋಂ ಜಗದೀಶ ಹೊಸಗೌಡರ, ವಯಾ: 38 ವರ್ಷ
ಉದ್ಯೋಗ:ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನ ಅಧಿಕಾರಿ ಜಾತಿ : ಹಿಂದೂ ಲಿಂಗಾಯತ ಸಾ|| ಗಾಂಧಿನಗರ ಶಾಂಭವಿ
ಕಾಲನಿ 02 ನೇ ಕ್ರಾಸ್ ಕೇರಾಫ್ ಮಹಾಂತೇಶ ಅಂಗಡಿ ಹಾಲಿ: ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ
ಮಂಡಳಿ ಲಕಮನಹಳ್ಳಿ ಧಾರವಾಡ. ಮೊ-9980535105 ಸಲ್ಲಿಸುವ ದೂರು ಏನೆಂದರೆ,

** ** *

ನಾನು ದಿನಾಂಕ: 11.05.2022 ರಿಂದ ಮೇಲ್ಕಂಡ ಕಛೇರಿಯಲ್ಲಿ ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನಾಧಿಕಾರಿ
ಅಂತಾ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದೇನೆ. ಕೈಗಾರಿಕೆಗಳ ಸ್ಥಾಪನೆಗಾಗಿ ಜಮೀನುಗಳನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು
ಸರಕಾರದಿಂದ ಜಮೀನುದಾರ/ವಾರಸುದಾರರಿಗೆ ಪರಿಹಾರ ಮೊತ್ತವನ್ನು ಮಂಜೂರಿಸುವ
ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ.

ಧಾರವಾಡ ತಾಲೂಕಿನ ಕೆಲವೊಂದು ಜಮೀನುಗಳ ಮಾಲೀಕರು ದ್ವಿತೀಯ ಬಾರಿ ಭೂ-ಪರಿಹಾರ
ಧನವನ್ನು ಮಂಜೂರಿಸಿಕೊಂಡು ಮತ್ತು ಇವರಿಗೆ ಸಹಕರಿಸಿದ ಸರಕಾರಿ ನೌಕರರು ಶಾಮೀಲು ಆಗಿತ್ತಾರೆ
ಅಂತಾ ಕೇಂದ್ರ ಕಚೇರಿ ಯವರು ತನಿಖಾ ವರದಿ ಜರುಗಿಸಿ 2021-22 ನೇ ಸಾಲಿನಲ್ಲಿ ಎಸ್.ಎಲ್.ಎ.ಟಿ
ಆಗಿದ್ದ ಶ್ರೀಯುತ ವೈ ಡಿ ಸಜ್ಜನ ಹಾಗೂ ಕಛೇರಿ ಸಿಬ್ಬಂದಿ ಜನರಾದ ಶ್ರೀ ಎಮ್.ಕೆ.ಶಿಂಪಿ, ಶ್ರೀ.ಶಂಕರ ವಾಯ್,
ತಳವಾರ ಹಾಗೂ ಗುತ್ತಿಗೆ ನೌಕರ ಹೇಮಚಂದ್ರ ಚಿಂತಾಮಣಿ ಇವರುಗಳ ವಿರುದ್ಧ ಹಾಗೂ ದ್ವಿತೀಯ ಬಾರಿ

ಪರಿಹಾರ ಧನ ಮಂಜೂರಿಸಿಕೊಂಡ ಖಾಸಗಿ ವ್ಯಕ್ತಿಗಳ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಿಸಲು ಕೆ.ಐ.ಎ.ಡಿ.ಬಿ ಕೇಂದ್ರ ಕಛೇರಿ ಬೆಂಗಳೂರು ಇವರು ನನಗೆ ಲಿಖಿತ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ಸದರ ಅಧಿಕಾರದ ಆಧಾರದನ್ವಯ ಮತ್ತು ಈ ಪೂರ್ವದಲ್ಲಿ ಕೈಕೊಂಡ ತನಿಖಾ ವರದಿಯ ಮೇರೆಗೆ ಸ್ಪಷ್ಟವಾಗಿದ್ದೇನೆಂದರೆ, ಧಾರವಾಡ ತಾಲೂಕು ಕೆಲಗೇರಿ, ಮುಮ್ಮಿಗಟ್ಟಿ, ಕೋಟೂರು ಗ್ರಾಮಗಳ ಜಮೀನುಗಳನ್ನು - ಸನ್-2011-12, 2012-13, ಮತ್ತು 2018 ಸಾಲಿನಲ್ಲಿ ಸರಕಾರದವರು ಭೂ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು, ಪರಿಹಾರ ಧನವನ್ನು ಮಂಜೂರಿಸಿದ್ದರೂ ಕೂಡ, ಪುನಃ ಮೇಲ್ಕಂಡ ಗ್ರಾಮಗಳ ಸದರಿ ಜಮೀನುದಾರ/ವಾರಸುದಾರರು ಎರಡನೆಯ ಬಾರಿ ಅಂದರೆ, 2022 ನೇ ಸಾಲಿನ ಫೆಬ್ರವರಿಯಿಂದ ಎಪ್ರಿಲ್‌ವರೆಗೆ ಅದೇ ಜಮೀನುಗಳ ಮೇಲೆ ಮತ್ತೊಮ್ಮೆ ಪರಿಹಾರ ಧನವನ್ನು ವಂಚನಾತ್ಮಕವಾಗಿ ಭೂ-ಪರಿಹಾರ ಮಂಜೂರಿಸಿಕೊಂಡು ಸರಕಾರದ ಒಟ್ಟು 19,99,55,000/- ರೂಪಾಯಿಗಳ ಆರ್ಥಿಕ ನಷ್ಟ ಮಾಡಿರುತ್ತಾರೆ. ಈ ಕೃತ್ಯದಲ್ಲಿ ನಮ್ಮ ಕಛೇರಿ ಸಿಬ್ಬಂದಿ ಜನರು ಕೂಡ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಗುರುತರವಾದ ಅಪರಾಧ ಮಾಡಿರುತ್ತಾರೆ. ನಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ್ದ ಸಿಬ್ಬಂದಿ ಜನರ ವಿವರ ಈ ರೀತಿ ಇರುತ್ತದೆ.

- 1) ಶ್ರೀ ಡಿ ಸಜ್ಜನ ವಿಶೇಷ ಭೂಸ್ವಾಧಿನಾಧಿಕಾರಿ(ನಿವೃತ್ತ) ಕೆ.ಐ.ಎ.ಡಿ.ಬಿ ವಲಯ ಕಛೇರಿ ಧಾರವಾಡ.
- 2) ಶ್ರೀ ಎಮ್ ಕೆ ಶಿಂಪಿ ವ್ಯವಸ್ಥಾಪಕರು, ಕೆ.ಐ.ಎ.ಡಿ.ಬಿ ವಲಯ ಕಛೇರಿ ಧಾರವಾಡ.
- 3) ಶ್ರೀ ಶಂಕರ ವೈ ತಳವಾರ ಹಿರಿಯ ಸಹಾಯಕ ಕೆ.ಐ.ಎ.ಡಿ.ಬಿ ವಲಯ ಕಛೇರಿ ಧಾರವಾಡ.
- 4) ಶ್ರೀ ಹೇಮಚಂದ್ರ ಬ ಚಿಂತಾಮನಿ ಗುತ್ತಿಗೆ ನೌಕರ ಕೆ.ಐ.ಎ.ಡಿ.ಬಿ ವಲಯ ಕಛೇರಿ ಧಾರವಾಡ. ಹಾಗೂ ಖಾಸಗಿ ವ್ಯಕ್ತಿಗಳಾದ,
- 5) ಶ್ರೀ ಮದರಸಾಬ ಖಾದರಸಾಬ ಹಾಳಭಾವಿ ಸಾ|| ಕೆಲಗೇರಿ,
- 6) ಶ್ರೀ ಸಂಜಯ ತಂದೆ ಅಪ್ಪಾಸಾಹೇಬ ದೇಸಾಯಿ, ಸಾ|| ಮುಮ್ಮಿಗಟ್ಟಿ.
- 7) ಶ್ರೀ ಶಿವನಗೌಡ ತಂದೆ ವೆಂಕನಗೌಡ ಪಾಟೀಲ್ ಸಾ|| ಕೆಲಗೇರಿ
- 8) ಶ್ರೀ ಬಸಪ್ಪ ತಂದೆ ನಾಗಪ್ಪ ಶಿರೂರ ಸಾ|| ಕೆಲಗೇರಿ,
- 9) ಶ್ರೀ ಇಮಾಮಸಾಬ ತಂದೆ ನಬಿಸಾಬ ಶಿರೂರ ಸಾ|| ಕೋಟೂರು
- 10) ಶ್ರೀಮತಿ ಸೀತಾ ಕೋಂ ಎಲ್ಲಾನಾಯಕ ಪಾಟೀಲ್ ಸಾ|| ಕೆಲಗೇರಿ
- 11) ಶ್ರೀ ಮುರಳೀಧರ ಬಿನ್ ಶ್ರೀನಿವಾಸರಾವ್ ಜಾಗೀರದಾರ ಸಾ|| ಕೆಲಗೇರಿ

- 12) ಐ.ಡಿ.ಬಿ.ಐ ಬ್ಯಾಂಕ ಉಣಕಲ್ ಹುಬ್ಬಳ್ಳಿ ಶಾಖೆಯ ಸಿಬ್ಬಂದಿ,
 13) ಕೆ.ವಿ.ಜಿ ಬ್ಯಾಂಕ ಮುಮ್ಮಿಗಟ್ಟಿ ಶಾಖೆ ಧಾರವಾಡ ಸಿಬ್ಬಂದಿ
 14) ಬ್ಯಾಂಕ ಆಫ್ ಬರೋಡಾ ಕೋಟೂರು ಶಾಖೆ ಧಾರವಾಡ ಸಿಬ್ಬಂದಿ

ಈ ರೀತಿ ಮೇಲ್ಕಂಡವರೆಲ್ಲರೂ ಕೂಡಿ ಮೋಸತನದಿಂದ ಹಣ ಲಪಟಾಯಿಸಿ ಅಕ್ರಮ ಲಾಭಮಾಡಿಕೊಂಡು ಸರಕಾರಕ್ಕೆ ಅಕ್ರಮ ನಷ್ಟವನ್ನುಂಟು ಮಾಡಿರುತ್ತಾರೆ. ಈ ಎಲ್ಲ ಅಕ್ರಮ ವ್ಯವಹಾರಗಳು ತನಿಖಾ ವರದಿಯನ್ನು ಕೇಂದ್ರ ಕಛೇರಿಯವರು ಕೈಕೊಂಡು ನಿನ್ನೆಯ ದಿವಸ ದಿನಾಂಕ:19.12.2022 ರಂದು ನನಗೆ ಲಿಖಿತ ಆದೇಶ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ. ಕಾರಣ ಮೇಲ್ಕಂಡ ಎಲ್ಲ ಜನರ ಮೇಲೆ ಕಾನೂನು ರೀತಿ ಕ್ರಮ ಜರುಗಿಸಲು ಕೋರುತ್ತೇನೆ ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿಕೊಂಡು ಈ ದಿವಸ ವಿಳಂಬವಾಗಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸಿದ್ದೇನೆ.

ಸ್ಥಳ : ಧಾರವಾಡ
 ದಿನಾಂಕ: 20.12.2022

ಸಹಿ/-
 ವಿಶೇಷ ಭೂಸ್ವಾಧೀನಾಧಿಕಾರಿ
 ಕೆ.ಐ.ಎ.ಡಿ.ಬಿ
 ಧಾರವಾಡ ವಲಯ ಕಚೇರಿ

This becomes a crime in Crime No.251 of 2022. While registering the complaint the petitioner was not an accused. The police conduct investigation and file a charge sheet. It is, while filing the charge sheet, the petitioner is drawn as an accused. The summary of the charge sheet, as obtaining in column 17, reads as follows:

“17) ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರ (ಅವಶ್ಯಕವಿದ್ದಲ್ಲಿ ಪ್ರತ್ಯೇಕ ಹಾಳೆ ಲಗತ್ತಿಸಿ) :-

Brief Facts of the case/Charge (Add separate Sheet, if necessary)

ಧಾರವಾಡ ವಿದ್ಯಾಗಿರಿ ಪೊಲೀಸ್ ಠಾಣೆ ಹದ್ದಿ ವೈಕಿ ಧಾರವಾಡ ಲಕ್ಷ್ಮನಹಳ್ಳಿ ಪ್ರದೇಶದಲ್ಲಿ ಸ್ಥಾಪಿತವಾಗಿರುವ ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಳಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿತರು ವಿಶೇಷ ಭೂ-ಸ್ವಾಧೀನಾಧಿಕಾರಿ ಅಂತಾ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವರು. ಸದರ ಕಛೇರಿಯಲ್ಲಿ ದಿನಾಂಕ: 09/07/2021 ರಿಂದ ದಿನಾಂಕ: 30/04/2022 ರವರೆಗೆ ಈ ಮೊದಲು ವಿಶೇಷ ಭೂ-ಸ್ವಾಧೀನಾಧಿಕಾರಿ ಅಂತಾ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿ ನಿವೃತ್ತಿಯಾದ 1 ನೇ ಆರೋಪಿ ವಸಂತಕುಮಾರ ಸಜ್ಜನ ಈತನು, ಅದರಂತೆ ದಿನಾಂಕ: 04/11/2021 ರಿಂದ ಇಲ್ಲಿಯವರೆಗೆ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿ ಸದ್ಯ ಸರ್ಕಾರಿ ಕರ್ತವ್ಯದಲ್ಲಿರುವ ಆರೋಪಿ 2, ಮಹಾದೇವಪ್ಪ ಶಿಂಪಿ, ದಿನಾಂಕ: 03/11/2004 ರಿಂದ 19/12/2022 ವರೆಗೆ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ ಆರೋಪಿ 3, ಶಂಕರ ತಳವಾರ ನೇದವರು ಹಾಗೂ ಬೇರೆ ಇಲಾಖೆಯಿಂದ ನಿವೃತ್ತಿಯಾಗಿ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ದಿನಾಂಕ: 28/07/2021 ರಿಂದ ಇಲ್ಲಿಯವರೆಗೆ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ 4 ನೇ ಆರೋಪಿ ಹೇಮಚಂದ್ರ ಚಿಂತಾಮಣಿ ಹಾಗೂ ಪ್ರಮುಖ ಆರೋಪಿಯಾದ 18 ನೇ ಆರೋಪಿ ಮೈಬೂಬ @ ಅಸ್ತಕ ತಂದೆ ಅಲ್ಲಾಭಕ್ಷ ದುಂಡಸಿ ಈ ರೀತಿ ಎಲ್ಲಾ ಆರೋಪಿತರು ಕೂಡಿಕೊಂಡು ತಮ್ಮ ತಮ್ಮ ಸ್ವಂತ ಅಕ್ರಮ ಲಾಭಕ್ಕಾಗಿ ಸರ್ಕಾರದ ಬೊಕ್ಕಸಕ್ಕೆ ಆರ್ಥಿಕ ಹಾನಿಯನ್ನುಂಟು ಮಾಡುವ ದುರುದ್ದೇಶದಿಂದ ಇನ್ನುಳಿದ ಆರೋಪಿತರೊಂದಿಗೆ ಮಿಲಾಪಿಯಾಗಿ ಎಲ್ಲರೂ ಸಹಮತದೊಂದಿಗೆ ಹಣ ಲಪಟಾಯಿಸುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಘನ ಸರ್ಕಾರದವರು ಈ ಪೂರ್ವದಲ್ಲಿ ಅಂದರೆ 2012 ಮತ್ತು 2018 ರಲ್ಲಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಸಲುವಾಗಿ ಧಾರವಾಡ ಜಿಲ್ಲೆಯ ಮುಮ್ಮಿಗಟ್ಟಿ ಗ್ರಾಮದ ಜಮೀನುದಾರನಾದ ಇದರಲ್ಲಿಯ ಸಾಕ್ಷಿದಾರ ಅ.ನಂ:4 ಸಂಜಯ ದೇಸಾಯಿ ಇವರ ಸರ್ವೇ ನಂಬರ: 150 ರಲ್ಲಿಯ 12 ಎಕರೆ 9 ಗುಂಟೆ ಹಾಗೂ ಸರ್ವೇ ನಂಬರ: 154 ಗಲ್ಲಿಯ 22 ಗುಂಟೆ 7 ಅಣೆ ಜಮೀನನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು 3,32,43,438/-ರೂಪಾಯಿಗಳನ್ನು ಮಂಜೂರಿಸಿದ್ದು ಇರುತ್ತದೆ. ಹೀಗಿದ್ದರೂ ಕೂಡಾ ಮೇಲ್ಕಂಡ 1 ರಿಂದ 4 ನೇ ಮತ್ತು 18ನೇ ಆರೋಪಿತರು ಕೂಡಿ ಒಬ್ಬ ಸುನೀಲ ಸುರೇಂದ್ರ ಜಾಧವ ಎಂಬ ಖೊಟ್ಟಿ ವ್ಯಕ್ತಿಯು ತಾನೇ ಸಂಜಯ ದೇಸಾಯಿ ಅಂತಾ ನಟಿಸಿ ಗುರುತಿನ ದಾಖಲಾತಿಗಳನ್ನು ಖೊಟ್ಟಿಯಾಗಿ ತಯಾರಿಸಿ, ಈ ಪೂರ್ವದಲ್ಲಿ ಸ್ವಾಧೀನವಾದಂತಹ ಜಮೀನನ್ನೇ ಪುನಃ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು ದಿನಾಂಕ: 28/02/2022 ರಂದು ಸರ್ಕಾರದಿಂದ ಒಟ್ಟು 3,17,85,000/- ರೂಪಾಯಿಗಳನ್ನು ಐಡಿಬಿಐ ಬ್ಯಾಂಕ್ ಉಣಕಲ್ ಶಾಖೆ, ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಖಾತೆ ಸಂಖ್ಯೆ: 0069104000251846 ನೇದ್ದಕ್ಕೆ ಜಮಾ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಮೇಲ್ಕಂಡಂತೆ ಸದರಿ 1 ರಿಂದ 4 ಮತ್ತು 18 ನೇ ಆರೋಪಿತರು ಕೂಡಿ 17 ನೇ ಆರೋಪಿ ನಾಗನಗೌಡ ಭರಮಗೌಡರ ಈತನ ಸಹಮತದಿಂದ ಮೇಲೆ ನಮೂದಿಸಿದಂತೆ ತಾನೇ ಮುರಳೀಧರ ಜಾಹಗೀರದಾರ ಅಂತಾ ನಟಿಸಿ, ಅವರ ಹೆಸರಿಗೆ ಹೋಲಿಕೆಯಾಗುವಂತಹ ಗುರುತಿನ ಚೀಟಿಗಳನ್ನು ಖೊಟ್ಟಿಯಾಗಿ ತಯಾರಿಸಿ, ಈ ಪೂರ್ವದಲ್ಲಿ ಅಂದರೆ ಸನ್ 2012 ರಲ್ಲಿ ಸರ್ಕಾರದವರು ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಂಡಂತಹ ಧಾರವಾಡ ತಾಲೂಕು ಕೆಲಗೇರಿ ಗ್ರಾಮ ಜಮೀನು ಸರ್ವೇ ನಂಬರ: 731/2 ಕ್ಷೇತ್ರ 15 ಎಕರೆ 33 ಗುಂಟೆ ಜಮೀನನ್ನು ಮತ್ತೊಮ್ಮೆ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು ದಿನಾಂಕ: 31/01/2022 ರಂದು ಸರ್ಕಾರದಿಂದ ಒಟ್ಟು 4,11,45,000/-ರೂಪಾಯಿಗಳನ್ನು ಐಡಿಬಿಐ ಬ್ಯಾಂಕ್ ಉಣಕಲ್ ಶಾಖೆ, ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಖಾತೆ ಸಂಖ್ಯೆ: 0069104000134279 ನೇದ್ದಕ್ಕೆ ಜಮಾ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಇದೇ ರೀತಿ ಧಾರವಾಡ ಕೆಲಗೇರಿ ಗ್ರಾಮ ಹದ್ದಿ ಸರ್ವೆ ನಂಬರ: 711 ಕ್ಷೇತ್ರ 13 ಎಕರೆ 24 ಗುಂಟೆ ಜಮೀನನ್ನು ಪುನಃ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು 3,53,60,000/-ರೂಪಾಯಿಗಳನ್ನು ದಿನಾಂಕ: 25/04/2022 ರಂದು ಐಡಿಬಿಐ ಬ್ಯಾಂಕ್ ಉಣಕಲ್ ಶಾಖೆ, ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಖಾತೆ ಸಂಖ್ಯೆ:0069104000252706 ನೇದಕ್ಕೆ ಜಮಾ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಈ ಅಪರಾ ತಪರಾ ವ್ಯವಹಾರದಲ್ಲಿ ಪ್ರಕಾಶ ಸುರೇಂದ್ರ ಜಾಧವ ಎಂಬುವವನು ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಹಾಜರಿದ್ದು ಮೂಲ ಮಾಲೀಕನಾದ ಮದರಸಾಬ ಖಾದರಸಾಬ ಹಾಳಬಾವಿಯಂತೆ ನಟಿಸಿ ಆರೋಪಿ ಅ.ನಂ: 1 ರಿಂದ 4 ಮತ್ತು 18 ನೇ ಆರೋಪಿತರೊಂದಿಗೆ ನೇರವಾಗಿ ಶಾಮೀಲಾಗಿರುತ್ತಾನೆ.

ಇದರಂತೆ ಧಾರವಾಡ ತಾಲೂಕು ಕೆಲಗೇರಿ ಗ್ರಾಮ ಸರ್ವೆ ನಂಬರ: 707 ಮತ್ತು 720 ರಲ್ಲಿಯ ಒಟ್ಟು 9 ಎಕರೆ 27 ಗುಂಟೆ ಜಮೀನನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು 2,51,55,000/-ರೂಪಾಯಿಗಳನ್ನು ಮಂಜೂರಿಸಿದ ಸಂಗತಿ ಗೊತ್ತಿದ್ದರೂ ಕೂಡ 1 ರಿಂದ 4 ಮತ್ತು 18 ನೇ ಆರೋಪಿತರು ಸತ್ಯ ಸಂಗತಿಯನ್ನು ಮರೆಮಾಚಿ 7 ನೇ ಆರೋಪಿ ಶಿವನಗೌಡ ಪಾಟೀಲ ಈತನ ಮುಖೇನ ಸರ್ಕಾರಕ್ಕೆ ಸುಳ್ಳು ಮಾಹಿತಿ ಒದಗಿಸಿ ಪುನಃ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು ದಿನಾಂಕ: 01/04/2022 ರಂದು ಐಡಿಬಿಐ ಬ್ಯಾಂಕ್ ಉಣಕಲ್ ಶಾಖೆ, ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಖಾತೆ ಸಂಖ್ಯೆ: 0069104000252614 ನೇದಕ್ಕೆ ಪುನಃ 2,51,55,000/-ರೂಪಾಯಿಗಳನ್ನು ಜಮಾ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಘನ ಸರ್ಕಾರದವರು ಧಾರವಾಡ ತಾಲೂಕು ಕೆಲಗೇರಿ ಗ್ರಾಮ ಸರ್ವೆ ನಂಬರ: 709 ಕ್ಷೇತ್ರ 3 ಎಕರೆ ಜಮೀನನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು 78,00,000/-ರೂಪಾಯಿಗಳನ್ನು ಮಂಜೂರಿಸಿದ್ದರೂ ಕೂಡ ಸದರಿ 1 ರಿಂದ 4 ಮತ್ತು 18 ನೇ ಆರೋಪಿತರು ಸತ್ಯ ಸಂಗತಿಯನ್ನು ಮರೆಮಾಚಿ 8 ನೇ ಆರೋಪಿ ಬಸಪ್ಪ ನಾಗಪ್ಪ ಶಿರೂರ ಈತನೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ ದಿನಾಂಕ: 19/04/2022 ರಂದು ಕೆ.ಎ.ಜಿ ಬ್ಯಾಂಕ್ ಮುಮ್ಮಿಗಟ್ಟಿ ಶಾಖೆ, ಮುಮ್ಮಿಗಟ್ಟಿ ತಾ|| ಧಾರವಾಡದಲ್ಲಿ ಖಾತೆ ಸಂಖ್ಯೆ: 17001054008 ನೇದಕ್ಕೆ ಪುನಃ 78,00,000/-ರೂಪಾಯಿಗಳನ್ನು ಜಮಾ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಅದರಂತೆ, ಸನ್ 2018 ರಲ್ಲಿ ಸರ್ಕಾರದವರು ಧಾರವಾಡ ತಾಲೂಕು ಕೋಟುರ ಗ್ರಾಮ ಹದ್ದಿ ಸರ್ವೆ ನಂಬರ: 635 ರಲ್ಲಿ ಕ್ಷೇತ್ರ 2 ಎಕರೆ 6 ಗುಂಟೆ ಜಮೀನನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು ಭೂ-ಮಾಲೀಕನಾದ ಇಮಾಮಸಾಬ ನಭಿಸಾಬ ಶಿರೂರ ಈತನಿಗೆ ಒಟ್ಟು 64,20,746/-ರೂಪಾಯಿಗಳನ್ನು ಮಂಜೂರಿಸಿದ್ದರೂ ಕೂಡ ಆತನ ಮಗನಾದ 16 ನೇ ಆರೋಪಿತನು ಅಕ್ರಮವಾಗಿ ವಂಚನಾತ್ಮಕರೂಪದಲ್ಲಿ ಹಣ ಗಳಿಸುವ ದುರುದ್ದೇಶದಿಂದ ಇದರಲ್ಲಿಯ 1 ರಿಂದ 4 ಮತ್ತು 18 ನೇ ಆರೋಪಿ ಇವರ ಜೊತೆಗೆ ಮಿಲಾಪಿಯಾಗಿ ಸತ್ಯ ಸಂಗತಿಯನ್ನು ಮುಚ್ಚಿಟ್ಟು ಪುನಃ ಸನ್ 2022 ರಲ್ಲಿ ಸದರಿ ಆರೋಪಿತರ ಮುಖಾಂತರ ಭೂ-ಸ್ವಾಧೀನಕ್ಕಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಸುಳ್ಳು ಸಂಗತಿಯನ್ನು ನಿಜವೆಂದು ಸಾಧಿಸಿ ಸುಳ್ಳು ದಾಖಲೆಗಳ ಆಧಾರದ ಮೇಲಿಂದ 64,50,000/-ರೂಪಾಯಿಗಳನ್ನು ಮಂಜೂರಿಸಿಕೊಂಡು ಸದರ ಮೊತ್ತವನ್ನು ತಾನು ಹೊಂದಿದ ಬ್ಯಾಂಕ್ ಆಫ್ ಬರೋಡಾ ಕೋಟುರ ಶಾಖೆ, ತಾ|| ಧಾರವಾಡ ನೇದರ ಖಾತೆ ಸಂಖ್ಯೆ: 64250100003462 ನೇದಕ್ಕೆ ಜಮಾ ಮಾಡಿಸಿಕೊಂಡು ಸರ್ಕಾರದ ಹಣ ಲಪಟಾಯಿಸಿರುತ್ತಾನೆ .

ಈ ರೀತಿಯಾಗಿ ಮೇಲ್ಕಂಡ 1 ರಿಂದ 4 ನೇ ಆರೋಪಿತರು ತಮಗೆ ವಹಿಸಿದ ನ್ಯಾಸದ ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ನಂಬಿಕೆ ದ್ರೋಹ ಮಾಡುವ ದುರುದ್ದೇಶ ಹೊಂದಿದ್ದು ಹಾಗೂ ಈ ಅಪರಾಧದಲ್ಲಿ ಪ್ರಮುಖ ಪಾತ್ರವಹಿಸಿದ 18 ನೇ ಆರೋಪಿ ಕೂಡಿಕೊಂಡು ಅಕ್ರಮವಾಗಿ ಹಣ ಸಂಪಾದಿಸುವ ದುರುದ್ದೇಶದಿಂದ ಮತ್ತು ಸರ್ಕಾರಕ್ಕೆ ಮೋಸಪಡಿಸಿ ವಂಚನಾತ್ಮಕವಾಗಿ ಹಣ ಗಳಿಸುವ ಉದ್ದೇಶದಿಂದ ಘನ ಸರ್ಕಾರದವರು ಈ ಪೂರ್ವದಲ್ಲಿ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು ಭೂ-ಮಾಲೀಕರಿಗೆ ಪರಿಹಾರ ಧನ ಮಂಜೂರಿಸಿದ್ದರೂ ಕೂಡ ಮೇಲ್ಕಂಡ ಆರೋಪಿತರು ಪ್ರಕರಣದ ಇನ್ನುಳಿದ ಆರೋಪಿತರೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ ಎಲ್ಲರೂ ಒಮ್ಮತದಿಂದ ಪ್ರತ್ಯಕ್ಷ ವ ಪರೋಕ್ಷವಾಗಿ ದಿನಾಂಕ: 01/01/2022 ರಿಂದ ದಿನಾಂಕ: 30/04/2022 ರವರೆಗೆ ಅಸಲಿ ಭೂ ಮಾಲೀಕರಂತೆ ವರ್ತನೆ ಮಾಡಿ ಅವರ ಆಧಾರಕಾರ್ಡ್, ಪಾನಕಾರ್ಡ್‌ಗಳನ್ನು ಎಲ್ಲಿಯೋ ಹೇಗೋ ಯಾವುದೋ ವಿಧಾನದಿಂದ ಖೋಚ್ಚಿಯಾಗಿ ತಯಾರಿಸಿ ಅವು ನೈಜವೆಂದು ಸಾಧಿಸಿ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಿ ಬೊಕ್ಕಸದಿಂದ ಒಟ್ಟು 19,99,55,000/-ರೂಪಾಯಿಗಳನ್ನು ಧಾರವಾಡ ಲಕ್ಷ್ಮಮ್ಮನಹಳ್ಳಿಯಲ್ಲಿರುವ ಕೆಐಎಡಿಬಿ ಕಛೇರಿಯಲ್ಲಿ ಮಂಜೂರಿಸಿಕೊಂಡು ತಮ್ಮ ತಮ್ಮಲ್ಲಿ ಹಂಚಿಕೊಂಡು ಸರ್ಕಾರಕ್ಕೆ ಮತ್ತು ಅಸಲಿ ಭೂ ಮಾಲೀಕರಿಗೆ ವಂಚನ ಮಾಡಿದ್ದಲ್ಲದೇ ಈ ಪೂರ್ವದಲ್ಲಿ ಅಂದರೆ ಸನ್ 2012-13 ನೇ ಸಾಲಿನಲ್ಲಿ ಸರ್ಕಾರದಿಂದ ಪರಿಹಾರ ಧನ ಮಂಜೂರಾಗಿದ್ದ ದಾಖಲಾತಿಗಳನ್ನು 1 ರಿಂದ 4 ನೇ ಆರೋಪಿತರು ಎಲ್ಲಿಯೋ, ಹೇಗೋ ಹಾಳು ಮಾಡಿ ಸಾಕ್ಷ್ಯ ಪಡಿಸಿದ ಅಪರಾಧ ಕಲಂ: 406, 409, 419, 420, 465, 467, 468, 471, 201, 204 ರ/ಎ 34 ಐಪಿಸಿ.

ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ವಿನಂತಿ,

1. ಈ ಪ್ರಕರಣದಲ್ಲಿ 2 ನೇ ಆರೋಪಿ ಸರ್ಕಾರಿ ನೌಕರನಾಗಿದ್ದು, ಈತನು ದಸ್ತಗೀರದಿಂದ ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿದ್ದು, ಈತನ ವಿರುದ್ಧ ಅಭಿಯೋಜನೆ ಕುರಿತು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಪೂರ್ವಾನುಮತಿ ಪಡೆಯುವುದು ಬಾಕಿ ಇರುತ್ತದೆ.
2. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಕೆಐಎಡಿಬಿ ಇಲಾಖೆಯಿಂದ ಪಡೆದಂತಹ ಮೂಲ ದಾಖಲಾತಿಗಳಲ್ಲಿರುವ ಅಕ್ಷರ ಹಾಗೂ ಸಹಿಗಳ ನೈಜತೆ ಬಗ್ಗೆ ಹಸ್ತಾಕ್ಷರ ತಜ್ಞರ ಬಳಿಗೆ ಕಳುಹಿಸುವುದು ಬಾಕಿ ಇರುತ್ತದೆ.
3. ಬ್ಯಾಂಕುಗಳಿಂದ ಮೂಲ ಚೆಕ್‌ಗಳನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದು ಇವುಗಳಲ್ಲಿರುವ ಅಕ್ಷರ ಹಾಗೂ ಸಹಿಗಳ ತುಲನೆಗಾಗಿ ಎಫ್.ಎಸ್.ಎಲ್. ರವರ ಬಳಿಗೆ ಕಳುಹಿಸುವುದು ಬಾಕಿ ಇದ್ದು ಪರಿಶೀಲನೆಯಾದ ನಂತರ ಮೂಲ ದಾಖಲಾತಿ ಹಾಗೂ ವರದಿಯೊಂದಿಗೆ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಳುಹಿಸುವ ವ್ಯವಸ್ಥೆ ಇಡಲಾಗಿದೆ.
4. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಇನ್ನೂ ಹಲವಾರು ಆರೋಪಿತರು ಭಾಗಿಯಾಗಿದ್ದು, ಅವರನ್ನು ಪತ್ತೆ ಮಾಡುವುದು ಬಾಕಿ ಇದೆ.

5. ಮೇಲ್ಕಂಡ ಹಾಗೂ ಇನ್ನಿತರ ಸಾಕ್ಷಾಧಾರಗಳನ್ನು ಸಂಗ್ರಹಿಸುವುದು ಬಾಕಿ ಇದ್ದು, ಇವುಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ಪೂರ್ಣಗೊಳಿಸಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಪೂರಕ ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸುವ ವ್ಯವಸ್ಥೆ ಇಡಲಾಗಿದೆ.”

(Emphasis added at each instance)

The summary of the charge sheet clearly indicates that an amount close to ₹20/- crores is disbursed as compensation from the corpus of the Board, whether to the landowners or to someone else acting on behalf of the landowners. If this be the fact and connivance of several officials of the Board, the compensation is disbursed twice for the same land. It is an offence that is unpardonable. Therefore, the submission of the petitioner that he has no role to play is noted only to be rejected. CW-1 speaks of the role of the petitioner/accused No.18. CW-29 speaks of the role of accused No.18 for having purchased a Thar vehicle. CW-31 deposes that she is the joint purchaser of property along with accused No.18, the petitioner. One Ilias Ahmed speaks about receiving ₹12/- lakhs from the petitioner/accused No.18, and the same was used to purchase an Innova car. Likewise, other witnesses also speak of the petitioner's involvement. This is projected by the learned senior counsel to be voluntary statements without any incriminating documents. The purchase of Innova car, Thar jeep or even the joint

property from other complainant witnesses are all a matter of trial. In the teeth of the issue being shrouded with seriously disputed questions of fact, this Court lending its protective hands to the petitioner would, on the face of it, become a travesty of justice and put a premium on the alleged activities of the petitioner. Therefore, there is no warrant of interference with the proceedings in the subject petition.

9. Same goes with the challenge in Criminal Petition No.104961 of 2025. The facts remain the same and the role of the petitioner, who is arrayed as accused No.7 also remains the same. Here again the issue is shrouded with seriously disputed questions of fact. It becomes apposite to refer to the judgment of the Apex Court in the case of **KAPTAN SINGH v. STATE OF UTTAR PRADESH**¹, wherein the Apex Court holds as follows:

"....

9.1. At the outset, it is required to be noted that in the present case the High Court in exercise of powers under Section 482 Cr.P.C., has quashed the criminal proceedings for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC. It is required to be noted that when the High Court in exercise of powers under Section 482 Cr.P.C., quashed the

¹ (2021) 9 SCC 35

criminal proceedings, by the time the investigating officer after recording the statement of the witnesses, statement of the complainant and collecting the evidence from the incident place and after taking statement of the independent witnesses and even statement of the accused persons, has filed the charge-sheet before the learned Magistrate for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC and even the learned Magistrate also took the cognizance. From the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914] passed by the High Court, it does not appear that the High Court took into consideration the material collected during the investigation/inquiry and even the statements recorded. **If the petition under Section 482 Cr.P.C.,, was at the stage of FIR in that case the allegations in the FIR/complaint only are required to be considered and whether a cognizable offence is disclosed or not is required to be considered. However, thereafter when the statements are recorded, evidence is collected and the charge-sheet is filed after conclusion of the investigation/inquiry the matter stands on different footing and the Court is required to consider the material/evidence collected during the investigation.** Even at this stage also, as observed and held by this Court in a catena of decisions, the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial. As held by this Court in Dineshbhai Chandubhai Patel [Dineshbhai Chandubhai Patel v. State of Gujarat, (2018) 3 SCC 104 : (2018) 1 SCC (Cri) 683] in order to examine as to whether factual contents of FIR disclose any cognizable offence or not, the High Court cannot act like the investigating agency nor can exercise the powers like an appellate court. It is further observed and held that that question is required to be examined keeping in view, the contents of FIR and prima facie material, if any, requiring no proof. **At such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and material relied on. It is further observed it is more so, when the material relied on is disputed. It is**

further observed that in such a situation, it becomes the job of the investigating authority at such stage to probe and then of the court to examine questions once the charge-sheet is filed along with such material as to how far and to what extent reliance can be placed on such material.

9.2. In Dhruvaram Murlidhar Sonar [Dhruvaram Murlidhar Sonar v. State of Maharashtra, (2019) 18 SCC 191 : (2020) 3 SCC (Cri) 672] after considering the decisions of this Court in Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , it is held by this Court that exercise of powers under Section 482 Cr.P.C.,, to quash the proceedings is an exception and not a rule. **It is further observed that inherent jurisdiction under Section 482 Cr.P.C.,, though wide is to be exercised sparingly, carefully and with caution, only when such exercise is justified by tests specifically laid down in the section itself. It is further observed that appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of powers under Section 482 Cr.P.C.,** Similar view has been expressed by this Court in Arvind Khanna [CBI v. Arvind Khanna, (2019) 10 SCC 686 : (2020) 1 SCC (Cri) 94] , Managipet [State of Telangana v. Managipet, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] and in XYZ [XYZ v. State of Gujarat, (2019) 10 SCC 337 : (2020) 1 SCC (Cri) 173] , referred to hereinabove.

9.3. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, we are of the opinion that the High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 Cr.P.C.,

10. The High Court has failed to appreciate and consider the fact that there are very serious triable issues/allegations which are required to be gone into and considered at the time of trial. The High Court has lost sight of crucial aspects which have emerged during the course of the investigation. The High Court has failed to

appreciate and consider the fact that the document i.e. a joint notarised affidavit of Mamta Gupta Accused 2 and Munni Devi under which according to Accused 2 Ms Mamta Gupta, Rs 25 lakhs was paid and the possession was transferred to her itself is seriously disputed. It is required to be noted that in the registered agreement to sell dated 27-10-2010, the sale consideration is stated to be Rs 25 lakhs and with no reference to payment of Rs 25 lakhs to Ms Munni Devi and no reference to handing over the possession. However, in the joint notarised affidavit of the same date i.e. 27-10-2010 sale consideration is stated to be Rs 35 lakhs out of which Rs 25 lakhs is alleged to have been paid and there is a reference to transfer of possession to Accused 2. Whether Rs 25 lakhs has been paid or not the accused have to establish during the trial, because the accused are relying upon the said document and payment of Rs 25 lakhs as mentioned in the joint notarised affidavit dated 27-10-2010. It is also required to be considered that the first agreement to sell in which Rs 25 lakhs is stated to be sale consideration and there is reference to the payment of Rs 10 lakhs by cheques. It is a registered document. The aforesaid are all triable issues/allegations which are required to be considered at the time of trial. The High Court has failed to notice and/or consider the material collected during the investigation.

11. Now so far as the finding recorded by the High Court that no case is made out for the offence under Section 406 IPC is concerned, it is to be noted that the High Court itself has noted that the joint notarised affidavit dated 27-10-2010 is seriously disputed, however as per the High Court the same is required to be considered in the civil proceedings. There the High Court has committed an error. Even the High Court has failed to notice that another FIR has been lodged against the accused for the offences under Sections 467, 468, 471 IPC with respect to the said alleged joint notarised affidavit. Even according to the accused the possession was handed over to them. However, when the payment of Rs 25 lakhs as mentioned in the joint notarised affidavit is seriously disputed and even one of the cheques out of 5 cheques each of Rs 2 lakhs was dishonoured and according to the accused they

were handed over the possession (which is seriously disputed) it can be said to be entrustment of property. Therefore, at this stage to opine that no case is made out for the offence under Section 406 IPC is premature and the aforesaid aspect is to be considered during trial. It is also required to be noted that the first suit was filed by Munni Devi and thereafter subsequent suit came to be filed by the accused and that too for permanent injunction only. Nothing is on record that any suit for specific performance has been filed. Be that as it may, all the aforesaid aspects are required to be considered at the time of trial only.

12. Therefore, the High Court has grossly erred in quashing the criminal proceedings by entering into the merits of the allegations as if the High Court was exercising the appellate jurisdiction and/or conducting the trial. The High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 Cr.P.C.,

13. Even the High Court has erred in observing that original complaint has no locus. The aforesaid observation is made on the premise that the complainant has not placed on record the power of attorney along with the counter filed before the High Court. However, when it is specifically stated in the FIR that Munni Devi has executed the power of attorney and thereafter the investigating officer has conducted the investigation and has recorded the statement of the complainant, accused and the independent witnesses, thereafter whether the complainant is having the power of attorney or not is to be considered during trial.

14. In view of the above and for the reasons stated above, the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914] passed by the High Court quashing the criminal proceedings in exercise of powers under Section 482 Cr.P.C., is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. Now, the trial is to be conducted and proceeded further in accordance with law and on its own merits. It is made clear

that the observations made by this Court in the present proceedings are to be treated to be confined to the proceedings under Section 482 Cr.P.C., only and the trial court to decide the case in accordance with law and on its own merits and on the basis of the evidence to be laid and without being influenced by any of the observations made by us hereinabove. The present appeal is accordingly allowed.”

The Apex Court directs that in seriously disputed questions of fact, this Court in exercise of its jurisdiction under Section 482 of the Cr.P.C., should not interfere.

10. Again, the Apex Court, in the case of **MUSKAN v. ISHAAN KHAN (SATANIYA)**², observes that this Court, while exercising its jurisdiction under Section 482 of the Cr.P.C. cannot conduct a mini-trial, and holds as follows:

“....

C. ANALYSIS

17. The main issue that arises for our analysis is whether the High Court was right in quashing the criminal proceedings against the private respondents primarily on the ground that the earlier complaints did not mention the two specific incidents dated 22.07.2021 and 27.11.2022, which were later on added in **the FIR and whether the same would not amount to conducting a ‘mini trial’ which is clearly prohibited under the scheme of Section 482 of the Cr. P.C.**

²2025 SCC OnLine SC 2355

18. At the outset it will be appropriate to advert to the observations made by the High Court in paragraphs 9 and 10 of the impugned order:

"9. It is undisputed that prior to filing FIR (Annexure P/5), a written complaint dated 22.01.2023 (Annexure P/3) was filed before Mahila Police Station, Ratlam, District Ratlam (MP) for the alleged harassment meted out to respondent No. 2 from her husband and in-laws (applicants before this Court). It is also not in dispute that both the parties i.e. applicant No. 1 and respondent No. 2, on their counter allegations, were advised by Police Mahila Thana, Ratlam to take recourse of law, but no action was taken on the above 3 MCRC-10695-2024 complaint by respondent No. 2. In such a situation, if respondent No. 2 was aggrieved of advice dated 23.01.2023 given by Mahila Police Station, Ratlam, she might have approached the Superintendent of Police for inaction on the part of the concerned Police Station on her complaint, but this has not been done.

10. It is also pertinent to note that in the (sic) above written complaint, there has not been a whisper of the events of harassment on 22.07.2021 and 27.11.2022, as narrated in the FIR (Annexure P/5). It manifests that the alleged incidents of harassment meted out to the complainant allegedly took place on 22.07.2021 and 27.11.2022 are afterthought. The contentions raised on behalf of the applicants that FIR (Annexure P/5) is a counterblast to notice (Annexure P/1) given by applicant No. 1 to respondent No. 2 also finds support from the above."

(emphasis supplied)

19. From a bare perusal of the above mentioned paragraphs it can be seen that one of the important factors that weighed in while allowing the quashing application of the private respondents was that in the earlier complaints filed by the appellant, there was no mention of the events of harassment that happened on 22.07.2021 and 27.11.2022, which were later on added in the FIR dated 28.01.2024. Hence, we extract the relevant portion of the complaints dated 22.01.2023 and 23.01.2023 which would clearly indicate *prime facie* allegations

of harassment and demand of dowry against the private respondents:

"22.01.2023

...That immediately after the Nikah, the respondents namely Ishan, father-in-law Ishaq Khan, mother-in-law Irfana Bi, sister-in law (Nanad) Ayesha, Nandoi Shayid Khan, Jeth Hemuddin son of Akbar Khan resident of Ujjain started raising demand of dowry from me. They are constantly causing physical and mental harassment for the last two years. A demand of dowry is being raised every day since the day of my marriage. My father gave a Pulsar Bike but I was asked to bring a car. On the occasion of my sister-in-law's wedding, they asked me to ask my father to give an A.C to their daughter Ayesha in the dowry. My mother-in-law did not allow my husband to come to the hospital at the time of my delivery. At the time of my 'God-Bharai', she demanded clothes and my mother-in-law puts restrictions on my eating food and having breakfast. She asks me to eat the same vegetable three times a day and asks me not to eat breakfast, she lets me drink tea once a day, she has installed cameras in my kitchen. My mother-in-law locks me in the house from outside. She does not allow me to talk to my husband. My husband would come to me at 11 o'clock in the night and would quarrel with me and assault me. My sister-in-law and brother-in-law would come to Ghosla almost every day and would scare me and threaten to kill me. They do not give me my mobile phone, they do not let my family members come to Ghosla and talk to me even on the phone. It is the daily routine of my father-in-law to hurl abuses morning and evening."

23.01.2023

.... Since after my marriage, I have been tortured and threatened. Ask your father to give a car and a demand was raised for an A.C. in my sister-in-law's marriage. When the demand could not be fulfilled by my father, I am being made to eat same vegetable for three days and they do not allow me to take my breakfast and I am given tea only once in a day.

My mother-in-law, sister-in-law, brother-in-law and father-in-law come together to my room and hurl abuses and threaten me. My father-in-law hurls abuses in obscene language and my mother-in-law makes me work the entire day and does not let me eat anything. My sister-in-law and brother-in-law everyday tell my mother-in-law to send him away over the phone. Many times they confine me in the room and lock the same from outside and I am not allowed to go out and I am not even allowed to open the window of the house. They have confined me as hostage in the house for many days. They do not let me talk to my family on phone and do not even let my family members meet me. My husband is also involved in all this. He never gives me even 2 rupees for expenses. They do not even allow me to visit my relatives. As such, being troubled by all this, I came to my parents' house.

...."

It is also apposite that we extract the relevant portions of the FIR so as to better understand the allegations against the private respondents, particularly the two specific incidents that happened on 22.07.2021 and 27.11.2022. The relevant extract reads thus:

".....I kept tolerating their taunts in order to save my marital life. But on 22.07.2021, my husband Ishan Khan, mother-in-law Irfana Bee, father-in-law Ishaq Khan, sister-in law Aaysha Bee and brother-in-law (Nandoi) Syed Khan hurled abuses to me. My brother-in-law (Nandoi) Syed Khan slapped me also and asked me to bring dowry from your father's house. Despite all this, I kept tolerating their torture. But on 27.11.2022, my husband Ishan Khan told me that I have passed the examination of M.B.B.S. and now I have to pursue M.C.I. Examination, as such, now if you will bring an amount of Rs. fifty lacs from your father, only then, I will keep you with me and say this, he ousted me and my son Iwaan Khan from the house while holding our hand. Thereafter, I came to my father Zahid Khan's house at Alot and narrated the entire incident to my father and mother Parveen Bee. Since then, I am residing at Alot alongwith my father. My father made several attempts to make my husband and in-laws understand but these people are adamant for their

demand of dowry of a sum of Rs. fifty lacs that unless and until, they are given a dowry of Rs. fifty lacs, they will not take me with them. Today, I have come to make a report in the police station alongwith my father Zahid Khan. I lodge the report, action may be taken.”

(emphasis supplied)

20. The classic exposition on law under Section 482 of the CrP.C is found in *Bhajan Lal* (supra) wherein this Court elaborated upon the scope of Section 482 of the Cr. P.C. It was held thus:

“**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in

support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

21. In *Daxaben v. State of Gujarat*⁹, a two-Judge Bench held as follows:

“26. Even though, the inherent power of the High Court under Section 482 CrPC, to interfere with criminal proceedings is wide, such power has to be exercised with circumspection, in exceptional cases. Jurisdiction under Section 482 CrPC is not to be exercised for the asking.

27. In *Monica Kumar v. State of U.P.* [(2008) 8 SCC 781 : (2008) 3 SCC (Cri) 649], this Court held that inherent jurisdiction under Section 482 CrPC has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself.

28. In exceptional cases, to prevent abuse of the process of the Court, the High Court might in exercise of its inherent powers under Section 482 quash criminal proceedings. However, interference would only be justified when the complaint did not disclose any offence, or was patently frivolous, vexatious or oppressive, as held by this Court in *Dhanalakshmi v. R. Prasanna Kumar* [1990 Supp SCC 686 : 1991 SCC (Cri) 142 : AIR 1990 SC 494].

36. Offence under Section 306 IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 CrPC is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case."

22. On the aspect of the powers of the Courts under Section 482 of the Cr. P.C., it is settled that at the stage of quashing, the Court is not required to conduct a *mini trial*. Thus, the jurisdiction under Section 482 of the Cr. P.C. with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.

23. This Court in the case of *State of Odisha v. Pratima Mohanty*¹⁰ held that:

"8.2. It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the

court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 CrPC are very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court."

24. Further in the case of *Central Bureau of Investigation v. Aryan Singh*¹¹, this Court held that at the stage of Section 482 of the Cr. P.C., the High Court is not required to conduct a mini trial.

"6. From the impugned common judgment and order [*Aryan Singh v. CBI*, 2022 SCC OnLine P&H 4158] passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned trial court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 CrPC, the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency."

(emphasis supplied)

25. This Court in *Neeharika Infrastructure Private Limited* (supra) gave following directions to the Courts exercising the power under Section 482 of the Cr. P.C.:

"Conclusions

33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/charge-sheet is filed under Section 173 CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the "rarest of rare cases" (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6

33.7.Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8 to 33.11

33.12.The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13 and 33.14

33.15.When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not.The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR."

(emphasis supplied)

26. Further, this Court in the case of *State of Telangana v. Habib Abdullah Jeelani*¹² held that:

"13. There can be no dispute over the proposition that inherent power in a matter of quashment of FIR has to be exercised sparingly and with caution and when and only when such

exercise is justified by the test specifically laid down in the provision itself. There is no denial of the fact that the power under Section 482 CrPC is very wide but it needs no special emphasis to state that conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court.

14. In this regard, it would be seemly to reproduce a passage from *Kurukshetra University* [*Kurukshetra University v. State of Haryana*, (1977) 4 SCC 451 : 1977 SCC (Cri) 613] wherein Chandrachud, J. (as his Lordship then was) opined thus : (SCC p. 451, para 2)

"2. It surprises us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, it could quash a first information report. The police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the FIR. It ought to be realised that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases.""

(emphasis supplied)

27. We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no *prime facie* case against the accused persons. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that *prime facie* allegations of harassment and demand of dowry are made out, despite that the High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no. 1/husband to the

appellant as she was not coming back to her matrimonial home. This approach adopted by the High Court, in our considered opinion, amounts to conducting a *mini trial*."

(Emphasis supplied at each instance)

11. In the light of the facts obtaining in the case at hand and the afore-quoted judgments of the Apex Court, any amount of submission made by the learned senior counsel that the role of the petitioner is not discernible in the charge sheet so filed against the petitioner and several others would not result in this Court interfering with the proceedings. It cannot be forgotten that ₹20/- crores goes away from the coffers of the Board, which is neither the money of the petitioner nor the money of the officers who have connived in the disbursement of compensation the second time for the very lands that had already been the subject matter of payment of compensation; it is public money. There is no warrant of interference in the subject petition as well. It is for the petitioner to come out clean in a full-blown trial.

12. What remains is the proceedings by the Enforcement Directorate in CrI.P.No.472 of 2026. In the light of this Court declining to interfere with the predicate offences, the independent

submissions *qua* continuation of proceedings or obliterating of proceedings initiated by the Enforcement Directorate need not merit any consideration at this juncture. Therefore, the petition in Criminal Petition No.472 of 2026 should also meet the same fate, as that of the two petitions.

13. For the aforesaid reasons, finding no merit in these petitions, they stand **dismissed**.

It is made clear that the observations made in the course of the order are only for the purpose of consideration of the case of petitioner under Section 482 of Cr.P.C. and the same shall not bind or influence the proceedings that are pending against the accused.

Consequently, interim order, if any subsisting, shall stand dissolved.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

Bkp
CT:BR