



CNR: KAHC010101192019

NC: 2026:KHC:50929
CRL.P No. 2736 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 2736 OF 2019 (482(Cr.PC)

/ 528(BNSS))

BETWEEN:

PRAKASH @ ABHINANDA PRAKASH C J
S/O C D JAVARE GOWDA
AGED ABOUT 50 YEARS,
RESIDING AT NO.60, KARISHMA HILLS
SUBRAMANYAPURA POST
BENGALURU-560 061.

...PETITIONER

(BY SRI. V SHASHI KIRAN AND R. SANDEEP.,ADVOCATES)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA BENGALURU
METROPOLITAN TASK FORCE POLICE
BBMP OFFICE BUILDING,
N R SQUARE
REPRESENTED BY ITS INVESTIGATION OFFICER
BENGALURU-560 002.
2. SRI MOHAMMED ASMAL AREEF
S/O NOT KNOWN
AGED ABOUT NOT KNOWN
ASSISTANT EXECUTIVE ENGINEER,
BANGALORE DEVELOPMENT AUTHORITY
NO.03, SOUTH SUB-DIVISION,
BDA, BANASHANKARI, 2ND STAGE



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BANGALORE-560 070.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. B.S. SACHIN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER HEREIN WHO IS ACCUSED NO.1 CR.NO.35/2019 DATED 14.03.2019 VIDE ANNEXURE-A IN PURSUANCE TO THE PETITIONER CONCERNED PENDING BEFORE THE HON'BLE CHIEF METROPOLITAN MAGISTRATE AT BENGALURU.

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

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

ORAL ORDER

Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

2. This petition is filed under Section 482 of Cr.P.C., praying this Court to quash the proceedings initiated against the petitioner in Crime No.35/2019 dated 14.03.2019 vide Annexure-A.



3. Learned counsel appearing to the petitioner while seeking such a relief in this petition would vehemently contend that, he being impleaded in the complaint by the respondent No.2 for the reasons best known to respondent No.2. The counsel would contend that the land having acquired by the Bangalore Development Authority (for short 'BDA') as per Final Notification dated 09.09.2003, wherein the Special Land Acquisition Officer had deposited the award amount in LAC No.372/2004, where one Smt.H.Bharati by rendering evidence against other kathedars, has substantially proved that the land in acquisition in Final Notification measuring 1 acre 10 guntas absolutely belongs to her and had taken the award amount of Rs.15,38,237/- plus interest. Thus, the petitioner submitted that the complaint as such is bad in totality and has been drawn with intentions of the respondent No.2 against the present petitioner.

4. It is further submitted that when the said report of having notified the land for acquisition by the BDA and



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also possession of such land measuring 1 acre 10 guntas being taken by the BDA on 11.08.2004, is very much available on the records of the BDA, however, the respondent No.2 has proceeded to register a complaint against the petitioner under the guise of Government employment, having authority and without verifying the records.

5. The uncontroverted allegations made in the complaint are only to entangle the petitioner in a criminal prosecution and get an unfair advantage in the said pending dispute. The allegations made in the FIR/ complaint are so absurd and inherently improbable, on the basis of which, no prudent person can ever reach a just conclusion, and there is no sufficient ground to proceed against the petitioner and it is manifestly attended with a *mala fide* intention and hence, this Court has to invoke Section 482 of Cr.P.C.



6. Per contra, learned counsel appearing for the respondent No.2/complainant brought to the notice of this Court that the Preliminary Notification (Annexure-F), the name of this petitioner is found and so also, in the Final Notification, the name of this petitioner is found and apart from that, even award has also been passed and now he cannot contend that, he is in no way connected to these proceedings. The learned counsel also brought to notice of this Court an award passed by the authority.

7. The learned counsel also vehemently contended that when the documents stand in his name and when Preliminary Notification and Final Notification have been issued, as well as award is passed and even now the petitioner claims that he is not involved in the property, and the same does not stand in his name, the same is a matter for investigation.

8. The learned counsel also would submit that the father of the petitioner has only entered into a Joint



Development Agreement. The learned counsel also would contend that when the authority came to know about the construction that was going on in the property which was acquired, notice was issued and in spite of notice also, they have not stopped the construction. Hence, the matter requires to be investigated.

9. The learned counsel appearing for the petitioner also brought to notice of this Court to the above facts. This Court also recently modified the order and directed to proceed against the other persons and not against this petitioner.

10. The learned counsel appearing for the respondent No.1-State would submit that they are the formal party and based on the complaint, case has been registered and further investigation is started in view of the order passed by this Court.

11. Having heard the petitioner's counsel and also the counsel appearing to the respondents and also



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considering the material on record, this Court has taken note of the contents of the complaint. The specific allegations made are that the construction is being started in the very same property which was acquired.

12. The learned counsel appearing for the respondents also brought to notice of this Court that Preliminary Notification and Final Notification have been issued, as well as the award was being passed and when such material is available before the Court, it is the duty of the Investigating Officer to investigate the matter. If the petitioner is not indulged in such act and he is in no way connected to the construction is concerned, it is the Investigating Officer has to take call upon the same if no involvement of this petitioner as contended in the petition is found and it is the duty of I.O. to unearth the truth during the course of investigation, the Investigating Officer would take a decision to that effect.



13. However, having considered the contents of the complaint and material placed on record, the matter requires investigation and the Court cannot quash the very registration of FIR and having considering the contents of the complaint while exercising the power under Section 482 of Cr.P.C. If complaint discloses of committing an offence, which has been invoked in the complaint, then the Investigating Officer has to conduct the investigation and file a final report.

14. The Hon'ble Apex Court in the case of ***Dineshbhai Patel v. State of Gujarat and others*** reported in ***(2018) 3 SCC 104*** has categorically held that if the complaint discloses of committing an offence, it is the duty of the Investigating Officer to investigate the matter to take a decision in the matter. Hence, I do not find any grounds to quash the FIR as sought in the petition.



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15. In view of the discussions made above, I pass
the following:

ORDER

Criminal Petition is ***dismissed***.

**Sd/-
(H.P.SANDESH)
JUDGE**

PSJ
List No.: 1 Sl No.: 14