



CNR: KAHC010111022022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO.5062 OF 2022 (GM-RES)

BETWEEN:

1. MRS.VERONICA MARY MACHADO
W/O MR DONAT LOUIS MACHADO,
AGED ABOUT 91 YEARS,
CANOPY CREST IRS, KOGILU MAIN ROAD,
MARUTHINAGARA, YELAHANKA,
BENGALURU, BENGALURU CITY
KARNATAKA,

PRESENTLY RESIDING AT
APARTMENT NO.101,
'CASA BLANCA', NO.35, NORRIS ROAD,
RICHMOND TOWN,
BENGALURU-560 025

2. MR ALBEN REYNOLD MACHADO
S/O MR DONAT LOUIS MACHADO,
AGED ABOUT 68 YEARS,
CANOPY CREST IRS, KOGILU MAIN ROAD,
'MARUTHINAGARA, YELAHANKA,
BENGALURU, BENGALURU CITY
KARNATAKA.

PRESENTLY RESIDING AT
APARTMENT NO.101, 'CASA BLANCA',
NO.35/4, NORRIS ROAD,
RICHMOND TOWN,
BENGALURU-560025

THE PETITIONER NO.1 AND 2



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REPRESENTED BY THEIR GENERAL POWER
OF ATTORNEY HOLDER
MR. NEIL MACHADO

3. MR VINCENT LAWRENCE MACHADO
S/O MR DONAT LOUIS MACHADO,
AGED ABOUT 64 YEARS,
CANOPY CREST IRS, KOGILU MAIN ROAD,
MARUTHINAGARA, YELAHANKA,
BENGALURU, BENGALURU CITY,
KARNATAKA

PRESENTLY RESIDING AT
RAINTREE HALL, FLAT I B,
1ST FLOOR, RHENIUS STREET,
RICHMOND TOWN,
BENGALURU-560 025

4. MR NEIL MACHADO
S/O MR DONAT LOUIS MACHADO,
AGED ABOUT 57 YEARS,
CANOPY CREST IRS, KOGILU MAIN ROAD,
MARUTHINAGARA, YELAHANKA,
BENGALURU, BENGALURU CITY,
KARNATAKA

PRESENTLY RESIDING AT
APARTMENT NO.101, 'CASA BLANCA',
NO.35, NORRIS ROAD,
RICHMOND TOWN,
BENGALURU-560 025

...PETITIONERS

(BY SRI AJESH KUMAR S, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY INSPECTOR OF POLICE,
YELAHANKA POLICE STATION,
NO.2361, YELAHANKA OLD TOWN,
BENGALURU-560 064



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REPRESENTED BY GOVERNMENT ADVOCATE
HIGH COURT BUILDING,
BENGALURU.

2. SRI PRAKASH H ADNUR
S/O HUCHHAPPA,
AGED ABOUT 71 YEARS,
RESIDING AT FLAT NO.07,
1ST A MAIN, 2ND A CROSS,
DOLLARS COLONY, ASHWATHANAGARA,
RMV 2ND STAGE,
BENGALURU- 560 094

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER
FOR R1;

SRI ASHOK NAIK, ADVOCATE FOR R2 –ABSENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE FIR
REGISTERED BY R1 IN CRIME NO.0026/2022 DATED
26.01.2022 FOR THE ALLEGED OFFENCES UNDER SECTION
34, 120B, 420, 465, 468 AND 471 OF INDIAN PENAL CODE ON
THE BASIS OF THE COMPLAINT LODGED BY R2 PENDING
ADJUDICATION BEFORE THE 37TH ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU AGAINST THE
PETITIONERS AS PER ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



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ORAL ORDER

Heard Sri Ajesh Kumar S, learned counsel for the petitioners and Smt. Waheeda M.M. learned High Court Government Pleader for the State. Sri Ashok Naik, learned counsel for respondent No.2 is absent.

2. Present petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure with the following prayer:

"Quash the FIR registered by respondent No.1 in Crime No.0026/2022 dated 26.01.2022 for the alleged offences under Section 34, 120B, 420, 465, 468 and 471 of Indian Penal Code on the basis of the complaint lodged by respondent No.2 pending adjudication before the 37th Additional Chief Metropolitan Magistrate at Bengaluru against the petitioners as per Annexure-A."

3. Petitioners are the accused persons named in the First Information Report bearing No.0026/2022 registered by Yelahanka Police, Bengaluru City.

4. Gist of the complaint averments would reveal that the petitioners are the owners of the land bearing Survey No.34/9



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of Kogilu village, Yelahanka, Bengaluru, measuring 3 acres 12 guntas. There was a joint Development Agreement entered into by the petitioners with M/s Canopy Estates (P) Ltd. for development of the said land.

5. The Managing Directors viz., Syed Yasir Rizvi and Salma Rizvi representing M/s Canopy Estates P. Ltd., constructed few flats which is first phase. Later on, they did not abide by the terms of the Joint Development Agreement. A civil suit is already filed in this regard by the present petitioners against the developers.

6. In the meantime, there is also a loan obtained by the developers, viz., M/s Canopy Estates P. Ltd., from Bank of Baroda (Vijaya Bank) , Bilekahalli Branch, based on the alleged title deeds of the property whereby there is now an action that is sought to be initiated for recovery of money by the Bank including the flats which are purchased by the people like complainant.

7. It is the case of the present petitioners that they are in fact victims in the incident and they have already taken



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necessary civil action for the loss suffered by them in respect of the Joint Development Agreement.

8. It is further case of the petitioners that not a single paisa has been obtained by them from Bank of Baroda, Bilekahalli Branch, inasmuch as, the petitioners are not the borrowers or the guarantors to the loan transaction.

9. In other words, it is the contention of the petitioners that suppressing the material fact and by creating some documents if M/s Canopy Estates P. Ltd. has obtained the loan, it is the Directors of the said Company who are to be responsible for the Criminal Act and not the present petitioners.

10. Sri Ajesh Kumar, learned counsel for the petitioners would further contend the FIR may be quashed against the petitioners for the time being. If the investigation agency finds any material against the present petitioners during the course of investigation which would *prima facie* establish that the present petitioners are also involved in the alleged fraud, then petitioners may be arraigned as accused persons while filing



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the final report despite the fact of quashing of the present FIR against them.

11. *Per contra*, Smt.Waheeda, learned High Court Government Pleader would contend that *prima facie* materials are found in the complaint itself that present petitioners in utter collusion with M/s Canopy Estates P. Ltd. and its Directors along with the bank officials created documents whereby the sale deed executed by M/s Canopy Estates P. Ltd. in favour of the complainant and similarly placed flat owners is at *jeopardy*. Therefore, FIR cannot be quashed and petitioners can very well appear before the investigation agency and place such material to establish their innocence.

12. Having heard the arguments of both sides, this Court noted that the Joint Development Agreement entered into by the petitioners with M/s Canopy Estates P. Ltd. is not in dispute. Likewise, the project being abandoned midway is also not in dispute.

13. As such, present petitioners who are the landowners did not get their share in the property, i.e., the built up flats. In



that regard there is already a civil suit pending. Complainant is none other than the purchaser of a flat.

14. If any fraud has taken place with regard to the pledging of the title deeds by creating documents by M/s Canopy Estates P. Ltd. with Bank of Baroda, Bilekahalli Branch, the Investigation Officer is at liberty to investigate the same and if any semblance of involvement of the present petitioners is found, then the petitioners can be arraigned as accused persons while filing the final report despite the fact that this Court is quashing the FIR, insofar as the present petitioners are concerned.

15. A memo is filed in this regard by Sri Ajesh Kumar, which reads as under:

"The advocate for the petitioners submits that in the even there is sufficient material to proceed against the petitioners the respondent can always arrayn the petitioners as an accused (additional).

Wherefore, it is most respectfully prayed that the Hon'ble Court be pleased to take the memo



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*on record and pass such order and further order
in the interest of justice and equity."*

16. Thus, placing the memo on record, continuation of the case as against the petitioners at this stage is no longer warranted and would result in abuse of process of law inasmuch as, petitioners themselves are victims in the very same incident.

17. As such, the following:

ORDER

- i. Placing the memo filed on behalf of the petitioners on record petition stands **allowed**.
- ii. Pending FIR in Crime No.0026/2022 registered by Yelahanka Police, Bengaluru City, is hereby **quashed** insofar as the petitioners are concerned.
- iii. It is made clear that quashing of the FIR as against the present petitioners would not come in the way for the Investigation Officer to file charge sheet, if any incriminating materials are found during the course of investigation of the case in respect of other accused.



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- iv. It is further made clear that the petitioners shall co-operate with the Investigation Agency in all respects.
- v. The petitioners are also reserved the liberty, if any adverse report is filed against them, to challenge the same, in accordance with law.

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 2 Sl No.: 3
CT:VR