



CNR: KAHC010121792020

NC: 2026:KHC:55049
CRL.P No. 2788 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2788 OF 2020

BETWEEN:

1. M V GIRIJAMMA
W/O DR. VULLANGAIAH ANANTHA RAM
AGED ABOUT 70 YEARS
R/AT NO.3420, CALLE DEL TORRE
LAS VEGAS NV 89102
U.S.A
2. SRI M.V. GOPINATH
S/O LATE P. VENKATAPPA
AGED ABOUT 67 YEARS
R/AT NO.331
MICHELSON DRIVE
NO.607, IRUVINE
CA-92612, U.S.A
3. SMT. M.V. AKKAMAHADEVI
W/O SRI HANUMANTHAIAH
D/O LATE P. VENUKATAPPA
AGED ABOUT 64 YEARS
NO. 650, S AVENUE
NO.61, LOS ANGELES
CA 90042, U.S.A
4. DR. M.V. PADMANABHA
S/O LATE VENKATAPPA
AGED ABOUT 61 YEARS
NO.33762, N STREET

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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BARSTOW CA 92311
U.S.A

5. SRI D.O. SURESH KUMAR
S/O D.OM PRAKASH
AGED ABOUT 52 YEARS

PETITIONER 1 TO 4 REPRESENTD BY
SRI D.O. SURESHKUMAR
S/O D.OM PRAKASH
AGED ABOUT 52 YEARS
R/AT NO.162, 3RD CROSS
LOWER PALACE ORCHARD
SADASHIVVANAGAR
BENGALURU 560 003
[GPA HODER OF P1 TO P4]

...PETITIONERS

(BY SRI VEDACHALA M V, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY PRINCIPAL SECRETARY
DEPARTMENT OF HOME
VIDHANA SOUDHA
BENGALURU-560 001
2. THE STATION HOUSE OFICER
MADANAYAKANAHALLI POLICE STATION
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT-562123
REP. BY SPP
HIGH COURT OF KARNATAKA
BENGALURU – 560001
3. SRI M.V. KUMARASWAMY
S/O LATE P. VENKATAPPA
AGED ABOUT 70 YEARS
R/AT NO.668, 5TH CROSS



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2ND STAGE, 'A' BLOCK
RHBCS LAYOUT
SRIGANDHADAKAVAL
VISHWANEEDAM POST
BENGALURU 560 091

...RESPONDENTS

(BY SRI GUHAS GOWDA M, HCGP FOR R1 & R2;
SRI KIRAN C V, ADVOCATE FOR R3)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH/SET ASIDE ALL FURTHER PROCEEDINGS IN P.C.R.NO.194/2016 FILED BY THE 3RD RESPONDENT ON THE FILE OF THE ADDITIONAL CIVIL JUDGE (JR.DN) AND JMFC, NELAMANGALA, BENGALURU RURAL DISTRICT AT ANNEXURE-A ARISING OUT OF FIR NO.459/2016 REGISTERED BY THE 2ND RESPONDENT POLICE AT ANNEXURE-B, AND CHARGE SHEET BEARING NO.3910/2019 IS AT ANNEXURE-C AND ETC.

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

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

ORAL ORDER

This petition is filed praying this Court to set aside the further proceedings in PCR No.194/2016 and quash the FIR and charge sheet filed against the petitioners.

2. Heard the learned counsel appearing for the respective parties.



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3. The very case of complainant in the private complaint is that CW1 is staying in abroad. To the extent of 8 acres 24 guntas was allotted in favour of the complainant and hence, the said property belongs to the complainant. Even though the Pahani, Mutation, EC and Patta Book stand in the name of the petitioners, the documents are created without the signature of CW1 and their parents. Accused Nos.2 to 4, in the year 1991, got mutated the property in their names in M.R.No.1/1991 and included the property of CW1 and made joint khata into the name of accused Nos.3 to 5 and created the document to show that property was handed over to accused No.1 to manage based on the General Power of Attorney which is not registered and also entered into an agreement of sale with an intention to cheat the complainant.

4. Based on the private complaint, the matter was referred to the police and the police have investigated the matter and filed the charge sheet in terms of the above accusation.

5. The counsel appearing for the petitioners vehemently contend that there is a civil dispute between the



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parties in O.S.No.518/2016 and so also, the order of the Assistant Commissioner was also challenged in R.A.No.85/2016-17 and respondent No.3 is yet to establish his title to the property claimed by him. Respondent No.3 was not the absolute owner of the property as claimed by him. Respondent No.2 prima facie has either deliberately or consciously ignored the orders of the Court or the other inevitable conclusion is that he has colluded with the respondent No.3 in filing the charge sheet. The counsel also would vehemently contend that petitioners have agreed to sell the property in respect of their share and not in respect of the property of CW1 and sale consideration is also fixed in respect of their properties are concerned. Accused Nos.1 to 4 are the senior citizens and their spouses are also doctors and well established in their profession and all of them have been residing in the United States of America for more than 30 to 40 years. The counsel would contend that there is no any prima facie case against the petitioners and charge sheet is also not based on the material available on record and Trial Court also



committed an error in taking cognizance against the petitioners. Hence, it requires interference of this Court.

6. Per contra, the counsel appearing for the respondents would submit that, based on the direction given by the Court, investigation was conducted and filed the charge sheet and specific accusation is also made in column No.17 regarding creating of the document of GPA and also changing of the revenue documents in the name of the accused persons and based on that document, entered into an agreement of sale and the same is also considered during the course of investigation and filed the charge sheet. Hence, it does not require interference of this Court.

7. Heard the learned counsel appearing for the respective parties and perused the material on record. The counsel appearing for the petitioners would submit that the agreement of sale was executed only in respect of the properties which have been allotted to the petitioners. The counsel also brought to notice of this Court the partition deed of between them. On perusal of the partition deed, it specifically mentioned that in Sy.No.4, an extent of 1 acre 36



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guntas; in Sy.No.5, an extent of 3 acres 2 guntas and in Sy.No.6, 3 acres 24 guntas was allotted in favour of the complainant. On perusal of the agreement of sale, it discloses that in column No.4, it is mentioned including the Sy.No.4/1 to the extent of 2 acres 01 guntas; Sy.No.5 to the extent of 3 acres 2 guntas and so also, in Sy.No.6 to the extent of 5 acres 4 guntas. It is very clear that to the extent of the land which was allotted in terms of the partition in favour of the complainant is more than 8 acres and odd and the same also included in the agreement of sale. When such document is produced by the petitioners themselves along with memo, the same discloses those survey numbers are also included in the sale agreement and the same is a matter of trial. Whether in the agreement of sale, they have included the land of the complainant or not has to be decided after the completion of trial. Prima facie, there is a document of partition showing that the lands in Sy.Nos.4, 5 and 6 were allotted in favour of the complainant. When such being the case, it is not a case for exercising the powers under Section 482 of Cr.P.C to quash the charge sheet since the very material discloses inclusion of the



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properties of the complainant in the agreement of sale and also specific accusation is made that the petitioner have indulged in creation of document and transferring of the entire land into their name and consequently, entered into an agreement of sale.

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

Order

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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