



CNR: KAHC010126532020

NC: 2026:KHC:53211
CRL.P No. 6509 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6509 OF 2020

BETWEEN:

1. C.N. NINGAIAH,
S/O LATE CHELUEGOWDA,
AGED ABOUT 52 YEARS.
2. SRINIVASAIAH,
S/O MAYI THIMMEGOWDA,
AGED ABOUT 49 YEARS,
R/O C.S.PURA,
GUBBI TALUK – 572216.
3. BETTANNA,
S/O CHELUEGOWDA,
AGED ABOUT 67 YEARS,
R/O HERUR, KASABA HOBLI,
GUBBI TALUK – 572216.
4. K. KUMAR,
S/O LATE KARIYAPPA,
AGED ABOUT 46 YEARS,
LICENSED DEED WRITER,
KODINAGENAHALI,
NITTUR HOBLI, GUBBI TALUK.
5. RAMKUMAR,
S/O C.N. NINGAIAH,
AGED ABOUT 35 YEARS.,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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6. KUNTAIAH,
S/O CHELUEGOWDAIAH @ CHELUVAIAH,
AGED ABOUT 92 YEARS.
7. ADVEESHA N.K.,
S/O KUNTAIAH,
AGED ABOUT 62 YEARS.
8. N.K. GANGANNA,
S/O KUNTAIAH,
AGED ABOUT 53 YEARS.
9. N.K. SHIVANNA,
S/O KUNTAIAH,
AGED ABOUT 47 YEARS.
10. N.K. NARASAIMHAMURTHY,
S/O KUNTAIAH,
AGED ABOUT 43 YEARS.
11. CHELUVARAJU,
S/O NINGAIAH,
AGED ABOUT 45 YEARS.
12. SOMASHEKAR,
S/O C.N. NINGAIA,
AGED ABOUT 41 YEARS.
13. CHELUEGOWDA (SURESH),
S/O BETTANNA,
AGED ABOUT 41 YEARS.
14. CHAITRA,
D/O BETTANAN @ BETTAPPA,
AGED ABOUT 27 YEARS.
15. JAYAMMA,
W/O SREENIVASIAH,
AGED ABOUT 62 YEARS,
C.S.PUTA, GUBBI TALUK.



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PETITIONERS NO.1, 4 AND 7 TO 15
ALL ARE R/O NARENAHALLI,
C.S.PURA HOBLI,
GUBBI TALUK-572216

...PETITIONERS

(BY SRI. UMA SHANKAR L., ADVOCATE)

AND:

1. HONNAPPA,
S/O LATE HONNAPPA,
AGED ABOUT 75 YEARS,
R/O NARENAHALLI,
C.S.PURA HOBLI, GUBBI,
NOW R/O AT KATTEPALYA,
KOTHIGERE HOBLI,
KUNIGAL TALUK-572111.
2. STATE BY C.S.PURA POLICE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. H.V. MANJUNATHA, ADVOCATE FOR R1;
SRI. SUHAS GOWDA M., HCGP FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.C.NO.590/2019 (PCR NO.23/2013, CR.NO.14/2013),
PENDING ON THE FILE OF THE ADDL. CIVIL JUDGE (JR. DN.)
AND JMFC, GUBBI, FOR OFFENCES PUNISHABLE UNDER
SECTIONS 468, 464, 463, 465 AND 420 OF IPC.

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



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

ORAL ORDER

Heard the learned counsel for the petitioners, the learned counsel for respondent No.1/complainant and the learned High Court Government Pleader appearing for respondent No.2/State.

2. The prayer sought in the petition is to quash the proceedings in C.C.No.590/2019 arising out of PCR No.23/2013 in Crime No.14/2013, pending on the file of the Additional Civil Judge (Jr. Dn.) and JMFC, Gubbi, for the offences punishable under Sections 468, 464, 463, 465 and 420 of IPC.

3. It is contended in the complaint that these petitioners have indulged in creation of documents having obtained the compromise decree in O.S.No.170/2010 and suit was decreed on 10.11.2010 and immediately, accused No.1 sold the property in favour of accused No.2 on 09.02.2011 and in turn, accused No.2 gifted the property in favour of his wife/accused No.17. Hence, an allegation is made in the complaint that even though the person was alive, indulged in stating that he is no more and got transferred the property and



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when the matter was referred to the police, the police investigated the matter and filed the 'B' report. Against the 'B' report, the complainant has filed the protest memo and thereafter, examined the witnesses. The Trial Court having considered the protest memo and also the statement of witnesses and documents which have been relied upon, comes to the conclusion that it is a fit case to proceed against the petitioners herein, who indulged in an act of creation of documents and making use of those documents, sold the property and also gifted the property and hence, issued the summons. The same is challenged before this Court by filing the petition.

4. The learned counsel for the petitioners would vehemently contend that the property was originally granted in favour of Honnappa, son of Honnappa, who is the resident of Kunigal. The complainant/respondent belongs to Gubbi Taluk. The learned counsel would submit that the property belongs to the family of these petitioners i.e., it is the joint family property and the suit was filed and there was a compromise and in the said compromise, property was allotted in favour of accused



No.1 and accused No.1 sold the property in favour of accused No.2 and accused No.2 gifted the property in favour of his wife. The learned counsel also vehemently contend that the complainant is not having any right over the property and the very initiation of private complainant is nothing but an abuse of process. The learned counsel would contend that the suit in O.S.No.142/2012 was filed by the complainant and subsequently, filed PCR No.23/2013 and in view of referring the matter, the case was registered in Crime No.14/2013. This complaint is subsequent to the filing of original suit. When the suit is filed for declaration, ought not to have filed the complaint before the Trial Court and the Trial Court committed an error and police rightly investigated the matter and filed the 'B' report.

5. The learned counsel for respondent No.1/ complainant brought to the notice of this Court the accusation made in the complaint, registration of the FIR and investigation. The learned counsel would contend that though the Investigating Officer referred the allegation in column No.16 of the 'B' report, but failed to take note of the accusation



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and the report filed by the police was rejected by the Trial Court considering the statement of the complainant and also the two witnesses and referred detailed documents and passed an order. The Trial Court while passing the order also taken note of the accusation made in the complaint and detailed order has been passed while taking the cognizance which runs to about 7 to 8 pages and rejected the 'B' report and issued the summons taking the cognizance for the offences under Sections 463, 464, 465, 468 and 420 of IPC. The learned counsel would contend that when the petitioners have indulged in creating of the documents and immediately selling the property, it is nothing but they conspired with each other and created the document with an intention to cheat.

6. Having heard the submissions of the respective learned counsel, no doubt, there is a dispute with regard to the property and also claim is made by the respective parties that the property was granted to one Honnappa S/o Honnappa. The learned counsel for the petitioners would contend that they are the original allottees and are residents of Kunigal and the other claimant is the resident of Gubbi. The learned counsel for the



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petitioners also not disputed that there was a compromise and immediately after the compromise dated 10.11.2010, sale deed was executed by accused No.1 in favour of accused No.2 on 19.02.2011 and accused No.2 immediately executed the gift deed in favour of his wife. The Court has to take note of the conduct of the parties. No doubt, though civil suit is filed, but allegation against the petitioners is that they indulged in creation of documents and offences invoked are also under Sections 464, 468, 463, 465 and 420 of IPC. The Trial Court taken note of the documents and applied its judicious mind while issuing the process and rejecting the 'B' report. When such procedure is followed by the Trial Court and considered the documents relied upon by the complainant and sworn statement, this Court cannot find fault in issuing the summons to the petitioners and the matter requires a full-fledged trial regarding creation of document. The Court has to take note of the conduct of the petitioners, particularly with regard to with an intention to cheat, the petitioners have indulged in such act and hence, no ground is made out to quash the proceedings.



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

ORDER

This petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 33