



CNR: KAHC010138612020

NC: 2026:KHC:53138
CRL.P No. 2134 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2134 OF 2020

BETWEEN:

SRI L SRINIVAS
AGED ABOUT 57 YEARS
S/O LATE LAKSHMAIAH
RESIDING AT NO.1636
18TH MAIN ROAD
BSK 2ND STAGE
BANGALORE-560070

...PETITIONER

(BY SRI HASHMATH PASHA, SR. COUNSEL FOR
SRI SUDHAKAR M, ADVOCATE)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA
BY TALAGHATTAPURA POLICE
BENGALURU RURAL DISTRICT
REPTD. BY STATE PUBLIC PROSECUTOR
THE HIGH COURT OF KARNATAKA
BENGALURU-560001
2. MAJ. GEN. P D HALLUR
AGED ABOUT 60 YEARS
S/O LATE DODAPPA
R/AT NO.44, SAI PEARL
1ST MAIN ROAD, K R GARDEN



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MYURGESH PALYA
BANGALORE-560017

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI ANIRUDH ANAND, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.P.C PRAYING TO QUASH THE FIR, CHARGE SHEET REGISTERED IN CR.NO.252/2018 AT ANNEXURE H AND J AND ENTIRE PROCEEDINGS PENDING ON THE FILE OF THE II ADDITIONAL CJM (RURAL) AT BENGALURU RURAL DISTRICT, BENGALURU IN C.C.NO.14199/2019 AGAINST THE PETITIONER FOR THE ALLEGED OFFENCES UNDER SECTION 427 AND 447 OF IPC 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 quash the FIR and charge sheet registered in Cr.No.252/2018 at Annexure-H and J and entire proceedings pending on the file of II Additional CJM (Rural), Bengaluru Rural District in C.C.No.14199/2019 against the petitioner for the offences punishable under Sections 427 and 447 of IPC.



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

3. The counsel appearing for the petitioner in his arguments would vehemently contend that though earlier preliminary notification was issued to acquire the land, but land bearing Sy.No.25/3 belongs to this petitioner was not acquired. To that effect, BDA has issued an endorsement as per Annexure-A stating that the said property is not acquired by issuing the final notification. The counsel also relies upon the Annexure-B, C, D and E. Annexure-E discloses that the petitioner has approached this Court by filing a writ petition in W.P.No.8306/2018 when an attempt was made to trespass his land. This Court having considered the material on record, passed an order on 12.07.2018 taking note of Annexure-A and held that an endorsement has been issued by Bangalore Development Authority on 21.05.2003 as per Annexure-A and the property belongs to the petitioner was not acquired and directed the respondents for not to dispossess the petitioner from the land more fully described in the schedule to the petition till next date of hearing.



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4. In the complaint filed by the complainant/respondent No.2, an allegation is made that some hooligans of this petitioner have indulged in trespassing of the property allotted to him in Site No.1028 and removed the stone and caused the loss. Based on that complaint at Annexure-H, FIR and also charge sheet were filed as per Annexure-H and J.

5. The counsel appearing for the petitioner would contend that while filing the charge sheet, police have failed to take note of the fact that when the property was not acquired, question of committing the offences under Sections 427 and 447 of IPC does not arise and ingredients of the complaint does not attracts the said offences in respect of the petitioner.

6. The counsel appearing for the State would submit that the dispute is with regard to the identity of the property. Though the property of the petitioner is not acquired, when the complaint was filed, police investigated the matter and filed the charge sheet.

7. The counsel appearing for respondent No.2 would submit that respondent No.2 had filed the complaint when an



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attempt was made to trespass into his property and caused the mischief by removing the stone. Now, the counsel appearing for the complainant would submit that complainant has already been sold the property and he is not in possession of the said property.

8. Having considered the arguments of the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that the endorsement issued by the BDA is dated 21.05.2003 wherein specifically stated that the property belongs to the petitioner was not acquired. So also the writ petition was filed by the petitioner in W.P.No.8306/2018 (BDA) on 20.02.2018 and this Court also passed an order on 12.07.2018 and interim order was granted and the allegation of trespass was made on 30.05.2018 and the complaint was lodged after 3 months. In the meanwhile, already filed the writ petition and there was an interim order in favour of the petitioner on 12.07.2018 itself. Subsequent to the passing of an interim order by this Court, complaint was lodged belatedly and the police also did not consider the material on record and invoked the offences under Sections 447 and 427 of



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IPC. When the petitioner is the owner of the property and already filed writ petition and obtained the interim order, the question of trespass does not arise and causing of any mischief also does not arise. The police failed to consider the ingredients of the alleged offences. Hence, the petitioner has made out of the grounds to quash the proceedings initiated against him.

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

ORDER

The petition is allowed.

The FIR and charge sheet registered in Cr.No.252/2018 at Annexure-H and J respectively and entire proceedings pending on the file of II Additional CJM (Rural), Bengaluru Rural District in C.C.No.14199/2019 against the petitioner for the offences punishable under Sections 427 and 447 of IPC is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN