



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 2860 OF 2024

BETWEEN:

1. SMT. GAYATHRI DEVI
AGED ABOUT 68 YEARS
W/O LATE B.R. SATHYANARAYANA
RESIDING AT NO.39,
5TH MAIN, 45TH CROSS,
5TH BLOCK, JAYANAGAR
BANGALORE - 560 041

...PETITIONER

(BY SRI. SIDDHARTH SUMAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY STATION HOUSE OFFICER,
HULIMAVU POLICE STATION,
BENGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

HIGH COURT BUILDING
BANGALORE-560 001.

2. SMT. GULLAMMA
AGED ABOUT 66 YEARS,
D/O LATE ALLALAPPA
3. SRI CHINNANNA
AGED ABOUT 62 YEARS,
S/O LATE ALLALAPPA

RESPONDENT NO.2 & 3 ARE RESIDING AT
YELANAHALLI VILLAGE,
BEGUR HOBLI,
BANGALORE SOUTH TALUK - 560 068.

...RESPONDENTS

(BY SRI. MAHESHA P., HCGP FOR R1;
SRI. RAJADITHYA SADASIVAN, ADVOCATE R2)

THIS CRL.P IS FILED U/S 482 CR.P.C PRAYING TO QUASH
THE IMPUGNED ORDER DATED 10.06.2016 PASSED BY THE
COURT OF THE XLIV A.C.M.M BENGALURU CITY IN
C.C.NO.15505/2016 (PRESENTLY PENDING BEFORE THE
HONBLE 5th ACMM BENGALURU) REGISTERING THE CRIMINAL
CASE AGAINST THE PETITIONER FOR THE OFFENCE P/U/S 415,
416, 420, 463, 468, 471 R/W 34 OF IPC.

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



CNR: KAHC010173232024

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the order dated 10.06.2016 passed in C.C.No.15505/2016 (arising out of PCR No.1473/2013) by the XLIV ACMM, Bengaluru, for the offences punishable under Sections 415, 416, 420, 463, 468, 471 r/w Section 34 of IPC, presently pending on the file of V ACMM, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent Nos.2 and 3 filed a private complaint in PCR No.1473/2013 before the learned Magistrate against Mahadevaiah, Yellappa and the petitioner, alleging that they are the children of one Allalappa, who was the original owner of the property bearing Sy.No.62/1B, measuring 1 Acre 14 Guntas, situated at Yelenahalli Village, Begur Hobli, Bengaluru.

3. It is alleged that accused No.2-Yellappa, impersonating himself as the only son of Allalappa, executed a sale deed in favour of accused No.1-Mahadevaiah in the year



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

1985. Thereafter, accused No.1 sold the said property in favour of the petitioner and her deceased husband in the year 1991. On the strength of the said sale deed, the revenue entries were mutated in their names. According to respondent Nos.2 and 3, they came to know of the said transaction only in the year 2010 and, thereafter, approached the Assistant Commissioner and initiated proceedings for change of the revenue entries. The Assistant Commissioner allowed the claim and directed mutation of the revenue entries in favour of respondent Nos.2 and 3. The said order was challenged by the petitioner before the Deputy Commissioner, who stayed the operation of the order of the Assistant Commissioner. The said proceedings are stated to be pending adjudication.

4. In the meantime, the petitioner filed O.S.No.1280/2012 against respondent Nos.2 and 3 and another, seeking the relief of declaration and permanent injunction. The said suit is also pending adjudication before the Trial Court.

5. Subsequently, respondent Nos.2 and 3 filed the aforesaid private complaint against the petitioner and accused



CNR: KAHC010173232024

Nos.1 and 2. The learned Magistrate referred the complaint to respondent No.1-Police for investigation under Section 156(3) of the Cr.P.C. Accordingly, respondent No.1 registered an FIR in Crime No.42/2013 against the petitioner and two others for the aforesaid offences. Upon completion of investigation, the police filed a 'B' report. Respondent Nos.2 and 3 challenged the said 'B' report by filing a protest petition and by leading evidence. Thereafter, the learned Magistrate rejected the 'B' report and took cognizance of the offences against the petitioner and the other accused. Aggrieved by the same, the petitioner is before this Court.

6. Heard the learned counsel for the petitioner, learned HCGP for respondent No.1-State and learned counsel for respondent Nos.2 and 3.

7. Apart from urging several other contentions, learned counsel for the petitioner contended that the petitioner, who is arrayed as accused No.3, has no connection whatsoever with the alleged acts of impersonation or forgery said to have been committed by accused Nos.1 and 2 in the year 1985. It is submitted that the petitioner is a bona fide purchaser of the



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

subject property and that, pursuant to the sale deed executed in her favour and her deceased husband in the year 1991, the revenue entries were duly mutated in their names and they have been in possession of the property. Respondent Nos.2 and 3 questioned the said transaction only in the year 2010. Thereafter, the petitioner instituted the suit referred to supra, which is pending adjudication, and the proceedings relating to mutation of the revenue entries are also pending before the Deputy Commissioner.

8. It is further contended that, in the aforesaid circumstances, the offences alleged in the private complaint or in the FIR do not attract against the petitioner. Learned counsel further submits that, pursuant to the reference made by the learned Magistrate under Section 156(3) of the Cr.P.C., the jurisdictional police conducted a detailed investigation, examined the material witnesses and, finding no incriminating material against the accused, submitted a 'B' report. However, the learned Magistrate, solely relying upon the sworn statement of complainant No.1 i.e. respondent No.2 herein, rejected the 'B' report and proceeded to take cognizance of the alleged



CNR: KAHC010173232024

offences against the petitioner and two others. Hence, it is contended that the said order is legally unsustainable. Accordingly, he prays to allow the petition.

9. *Per contra*, learned counsel for respondent Nos.2 and 3, while supporting the impugned order, contended that, on perusal of the averments made in the private complaint and the sworn statement of complainant No.1-respondent No.2 herein, it is evident that accused No.2-Yellappa impersonated himself as the son of Allalappa and executed a sale deed in favour of accused No.1 in the year 1985. Thereafter, accused No.1 executed a sale deed in favour of the petitioner and her deceased husband in the year 1991.

10. It is further contended that, despite being aware of the alleged impersonation by accused No.2 and the consequent execution of the sale deed in favour of accused No.1, the petitioner purchased the subject property. Thus, according to learned counsel, the petitioner, who is arrayed as accused No.3, had the intention to illegally deprive respondent Nos.2 and 3 of their property. Hence, the offences alleged in the complaint and FIR are attracted against the petitioner and the



CNR: KAHC010173232024

other accused, and the allegations require to be tested in a full-fledged trial.

11. Additionally, learned counsel submits that respondent No.1-Police mechanically submitted the 'B' report without conducting a thorough investigation. Therefore, the learned Magistrate was justified in rejecting the 'B' report and taking cognizance of the alleged offences against the petitioner and the other accused. Accordingly, he prays for dismissal of the petition.

12. Learned HCGP also opposed the prayer of the petitioner and prays to dismiss the petition.

13. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire materials on record.

14. As could be gathered from the impugned order passed by the learned Magistrate and the averments made in the private complaint, it is an admitted case of respondent Nos.2 and 3 that accused No.2 impersonated himself as the only son of Allalappa and, on that basis, executed a sale deed



CNR: KAHC010173232024

**NC: 2026:KHC:52503
CRL.P No. 2860 of 2024**

in favour of accused No.1 in the year 1985. In turn, accused No.1 executed a sale deed in favour of the petitioner in the year 1991.

15. The records further disclose that the petitioner, who is arrayed as accused No.3, was put in possession of the subject property in the year 1991 and has been in continuous possession thereof. The revenue entries were also mutated in her name. It is no doubt true that respondent Nos.2 and 3 have challenged the mutation of the revenue entries and the said proceedings are pending adjudication before the Deputy Commissioner. Further, the petitioner-accused No.3 has instituted a civil suit seeking the relief of declaration and permanent injunction against respondent Nos.2 and 3 and another.

16. It is thereafter that respondent Nos.2 and 3 instituted the present private complaint against the petitioner and two others. All these aspects were investigated by the jurisdictional police i.e. respondent No.1, who, upon completion of investigation, submitted a 'B' report.



CNR: KAHC010173232024

17. On careful perusal of the 'B' report, it is evident that the respondent No.1-police have recorded the statements of the relevant witnesses and examined the documents pertaining to the subject property, including the allegations relating to impersonation. Upon considering the material collected during the course of investigation and finding the dispute to be essentially civil in nature, the police submitted a 'B' report.

18. However, the learned Magistrate rejected the 'B' report primarily by relying upon the sworn statement of respondent No.2. On perusal of the said sworn statement, it is evident that the same is nothing but a reiteration of the averments made in the private complaint. In the aforesaid circumstances, the material on record indicates that the private complaint came to be instituted against the petitioner as a retaliatory measure, particularly in the backdrop of the civil suit instituted by the petitioner against respondent Nos.2 and 3.

19. The Hon'ble Apex Court in the case of **BIKKU BHAI GOVINDA BHAI VS. STATE OF GUJARAT** in **SLP (CrI) No.15537/2023** dated 22.05.2026, held in paragraph Nos.52 to 54 as under:



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

"52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the Cr.P.C.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the Cr.P.C as Page 28 delineated in State of Haryana v. Bhajan Lal,¹² namely, where the dispute is predominantly civil in



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court."

20. Moreover, it is settled position of law by the Hon'ble Apex Court, if a complaint is filed out of vengeance, the same cannot be sustained. The Hon'ble Apex Court in the case of **MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488** in paragraph No.11 to 14 held as under:

"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.” We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

"5. ...Authority of the court exists for advancement of justice and if any



CNR: KAHC010173232024

attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)



CNR: KAHC010173232024

NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

21. Applying the aforesaid principles laid down by the Hon'ble Apex Court to the facts and circumstances of the present case, and having regard to the nature of the allegations and the 'B' report submitted by respondent No.1-Police, I am of the considered view that no *prima facie* case is made out against the petitioner-accused No.3. Therefore, continuation of the proceedings against the petitioner would amount to an abuse of the process of Court. Consequently, the order passed by the learned Magistrate rejecting the 'B' report and taking cognizance of the alleged offences against the petitioner warrants interference by this Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.



NC: 2026:KHC:52503
CRL.P No. 2860 of 2024

CNR: KAHC010173232024

- ii. The order dated 10.06.2016 passed in C.C.No.15505/2016 (arising out of PCR No.1473/2013) by the XLIV ACMM, Bengaluru, for the offences punishable under Sections 415, 416, 420, 463, 468, 471 r/w Section 34 of IPC, presently pending on the file of V ACMM, Bengaluru is hereby quashed against the petitioner - accused No.3.
- iii. The contention advance by the learned counsel for respondent Nos.2 and 3 in respect of the fabrication and impersonation is left open to urge before the Deputy Commission as well as in the civil suit.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 9