



CNR: KAHC010217152026

NC: 2026:KHC:52811
CRL.P No. 4813 of 2026

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.4813 OF 2026

BETWEEN:

1. SMT. SAMAKKA
W/O LATE HANUMANTHAPPA
AGED ABOUT 74 YEARS
SRIRAMANAGARA
RAMASANDRA ROAD
MULBAGAL TOWN-563131
KOLAR.
2. SMT. CHINNAKKA
W/O THIMMARAYAPPA
AGED ABOUT 74 YEARS
SRIRAMANAGARA
RAMASANDRA ROAD
MULBAGAL TOWN-563131
KOLAR.
3. SRI H. SUBRAMANI
S/O LATE HANUMANTHAPPA
AGED ABOUT 55 YEARS
SRIRAMANAGARA
RAMASANDRA ROAD
MULBAGAL TOWN-563131
KOLAR.
4. SRI. VENKATESHAPPA.G
S/O LATE GANTLAPPA
AGED ABOUT 69 YEARS

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010217152026

NC: 2026:KHC:52811
CRL.P No. 4813 of 2026

GOTTUKUNTE VILLAGE
MULBAGAL TOWN-563131
KOLAR.

5. SMT. VENKATALAKSHMAMMA
W/O CHANDRAPPA
AGED ABOUT 54 YEARS
MEDIHATTI VILLAGE
MALURU TALUK
KOLAR -563130.

6. SHAMALAMMA
W/O NARAYANAPPA
AGED ABOUT 59 YEARS
KORLAKUNTE VILLAGE
THAYALUR HOBLI
MULBAGAL TALUK-563131
KOLAR.

7. NARAYANAPPA
S/O LATE PEDDAPPA
AGED ABOUT 69 YEARS
KORLAKUNTE VILLAGE
THAYALUR HOBLI
MULBAGAL TALUK-563131
KOLAR.

...PETITIONERS

(BY SRI.NIRUPAN GOWDA H.N., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MULBAGAL TOWN POLICE
REPRESENTED BY HCGP
HIGH COURT OF KARNATAKA
BENGALURU-560001.
2. B.N. PRAVEEN
S/O LATE S.N. NANJAPPA
AGED ABOUT 50 YEARS



CNR: KAHC010217152026

NC: 2026:KHC:52811
CRL.P No. 4813 of 2026

TAHSILDAR
MULBAGAL TALUK
R/AT NO.689/1,
10TH 'A' MAIN ROAD
JAYANAGAR 4TH BLOCK
BENGALURU CITY-560011.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
R2 SERVED UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.4951/2023 PENDING BEFORE THE PRINCIPAL CIVIL JUDGE AND JMFC AT MULBAGAL FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 408, 409, 465, 468, 471, 420, R/W 149 OF IPC, FILED BEFORE THE RESPONDENT NO.1, IS NOTHING ABOUT ABUSIVE USE OF PROCESS OF LAW.

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

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

ORAL ORDER

Heard learned counsel appearing for the petitioners and learned Additional SPP for the respondent No.1/State.

2. The prayer is sought to quash initiation of proceedings against these petitioners in C.C.No.4951/2023 for the offences punishable under Sections 408, 409, 465, 468, 471, 420 read with Section 149 of IPC.



3. The factual matrix of case of the prosecution based on the complaint dated 30.08.2019, which is produced as Annexure-C is that these petitioners have indulged in creation of document. Hence, FIR is registered as per Annexure-B invoking the above offences and police have investigated the matter and filed the charge sheet. While filing the charge sheet, permission is sought to file additional charge sheet and while seeking permission, it is stated that yet to secure documents from the office of Mulbagal Taluka Office and they will file additional charge sheet and it is set out in column No.17 of the charge sheet that these petitioners have indulged in committing the offences invoked against them along with others.

4. Learned counsel appearing for the petitioners would submit that respondent No.2 filed a false complaint before respondent No.1-police after lapse of 25 years stating that mutation and M.R. from 1994-1995 onwards were tampered and the same is illegal and unwarranted. The respondent No.2 or any previous officers have not detected any tampering of Government records till the complaint is filed and none of the revenue officers have observed the same. The respondent No.2



CNR: KAHC010217152026

authorities have not conducted any enquiry as required under Section 25 of the Land Grant Rules by issuing necessary notices and comes to the conclusion that grants are illegal or fabricated. The respondent No.2 has no substantive proof that petitioners/accused have indulged in tampering the records which is 25 years back. The respondent No.2 all of a sudden initiated the complaint against the accused and among them, many of them have expired very long back and therefore, initiating of the proceedings after lapse of 25 years is nothing but an illegal act and against to law, that too, against some of the persons, who are no more.

5. The counsel also would contend that respondent No.2 before filing the complaint has to conduct the proceedings as required under the Land Grant Rules under Section 25 by a competent Deputy Commissioner and the rules provide to verify the grant records is legal or illegal or tampered by invoking 136(3) of Karnataka Land Revenue Act and the Tahsildar has no powers to file a police complaint directly reporting tampering of any Government records without any substantive piece of material regarding fabrication of the



document and the very approach is illegal, unwarranted and abuse of process of law. The counsel also contend that respondent No.2 had issued certified copies since 1978 and there was no detection of any tampering of the complainant office. The complaint has been registered against dead persons namely accused Nos.8, 10, 16, 17, 19, 20 and 21 as per the original FIR and the complainant has also filed complaint against unknown persons. It is contended that the entire charge sheet discloses that complainant had doubt about tampering of grant records only during 2019. But, the grants were made during 1977-78 and the records issued from the office from time to time. All of a sudden, the respondent No.2 came to illegal conclusion without conducting any office enquiry and filed the false complaint.

6. The counsel appearing for the petitioners also contended that the petitioners are the original grantees and they are illiterate and ignorant and they cannot have any access to the Government records and there is no possibility of participating in the alleged offences. It is also contended that they have paid Kimmat to the bank and also survey has been



CNR: KAHC010217152026

conducted and mahazar was prepared and thereafter only grant was made and necessary fee is also paid to the Government and Government also issued Grant Certificates. The counsel also produced the Grant Certificates of these petitioners before this Court and this Court has passed an order to keep the same in safe custody. The counsel would contend that respondent No.2, who had enough jurisdictional power to trace out the tampering of records in his office and also conduct an enquiry, but failed to comply the same and instead of the same, the present proceedings is initiated and the same is bad and unknown to law. The counsel appearing for the petitioners would contend that allegation is made against the petitioners that they indulged in tampering the grant records and creation of the documents. The counsel also would submit that while filing the charge sheet, when they were unable to get the records from the Taluka office, permission is sought to file additional charge sheet under Section 173(8) of Cr.P.C.

7. Having considered the said submission, learned additional SPP for the respondent/State was directed to verify whether those documents are secured, seized and sent to FSL.



The learned Additional SPP appearing for the respondent/State submits that the same is not done and even additional charge sheet is also not filed. He fairly submits that, in order to invoke the offences, there is no report regarding tampering the documents and the said documents being sent to FSL and thereafter, filed the charge sheet. In view of the allegation made against these petitioners, this Court also directed to verify whether any enquiry is conducted to take decision in respect of the claim made by the petitioners, as they are claiming that they are the original grantees and to that effect, learned Additional SPP appearing for the respondent/State would submit that no such enquiry is conducted. Learned Additional SPP for the respondent/State was also directed to verify whether any action is taken by the Department questioning the records which the petitioners are having, but no such action is taken by the Department.

8. Having heard learned counsel appearing for the petitioners and learned Additional SPP appearing for the respondent/State and also the grounds which have been urged by the petitioners, when the petitioners claimed that they are



NC: 2026:KHC:52811
CRL.P No. 4813 of 2026

the original grantees, this Court earlier directed to secure the records and accordingly, they have produced the original documents and the same was ordered to keep the same in safe custody. When there was no any action on the part of the Department holding any enquiry as contemplated and also learned counsel appearing for the petitioners also raised all those grounds which have been referred and nothing has been done by the Department, except filing criminal complaint and that too, without any FSL report regarding petitioners having indulged in creation of fake documents and used those fake documents as genuine and when such material is not available on record and the prosecution has not made out any prima facie case to invoke the offences under Sections 408, 409, 420, 465, 468, 471 read with Section 149 of IPC and also under Section 192-A, when the offence under Section 192-A is also invoked, the same is a cognizable offence, but even not conducted any enquiry as contemplated. There is a circular to that effect to conduct an enquiry before invoking Section 192-A of Karnataka Land Revenue Act and then to proceed, but no such enquiry is also conducted. Even while filing the charge



sheet, the same is filed against dead persons i.e., accused Nos.4, 8 and 9 and though FIR is registered against accused Nos.8, 10, 16, 17, 19, 20 and 21, charge sheet is filed against the above dead persons as referred supra and it clearly discloses that no proper investigation is conducted.

9. When such being the case, it is a fit case to exercise the power under Section 482 of Cr.P.C. or otherwise it amounts to an abuse of process and without any prima facie material, the petitioners are facing criminal ordeal which is nothing but miscarriage of justice. Hence, it is a fit case to quash the proceedings by invoking the power under Section 482 of Cr.P.C.

10. In view of the discussion made above, I pass the following:

ORDER

- (i) The Criminal petition is ***allowed***.
- (ii) The proceedings initiated against these petitioners in C.C.No.4951/2023 for the offences punishable under Sections 408, 409, 465, 468, 471, 420 read with Section 149 of IPC, is hereby quashed.



NC: 2026:KHC:52811
CRL.P No. 4813 of 2026

CNR: KAHC010217152026

(iii) The Registrar (Judicial) is directed to hand over the original documents to learned counsel appearing for the petitioners, since this Court has passed an order to keep the documents in safe custody.

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 8