

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026



BEFORE

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

CRIMINAL PETITION NO.2749 OF 2022

C/W

CRIMINAL PETITION NO.4564 OF 2021

IN CRL.P NO.2749/2022:

BETWEEN:

1. SMT. SUPRIYA
W/O ANAND
D/O VENKATESH
AGED ABOUT 36 YEARS
2. SRI. VENKATESH
S/O LATE THIMMEGOWDA
AGED ABOUT 68 YEARS
3. SMT. KAVITHA B.K.
W/O SRI. VENKATESH
AGED ABOUT 60 YEARS

ALL ARE RESIDING
AT NO.6, 4TH MAIN ROAD
NEAR GKW LAYOUT
VINAYAKA LAYOUT
2ND STAGE, VIJAYANAGAR
BENGALURU-560 040.

...PETITIONERS

(BY SRI. C.H. JADHAV, SENIOR COUNSEL FOR
SRI. CHETAN JADHAV, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THALAGHATTAPURA POLICE STATION
BENGALURU RURAL

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

2. BASAVARAJ S.M.,
S/O LATE SOMARAJU
AGED ABOUT 66 YEARS
NO.3, I FLOOR 9TH MAIN
BAGEGOWDA LAYOUT
RAGHUVANAHALLI
BENGALURU CITY
KARNATAKA-560 062.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. C.V.SRINIVAS, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C TO SET ASIDE THE ORDER DATED 19.08.2021 PASSED BY THE LEARNED II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL, IN CR.NO.55/2020 TAKING COGNIZANCE OF THE OFFENCES PUNISHABLE UNDER SECTION 3(1)(f)(g)(r)(s), 3(2) (5) OF SCHEDULED CASTE AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT AND SECTIONS 420, 506, 120B R/W 34 OF IPC AND CONSEQUENTLY QUASH THE ENTIRE PROCEEDINGS PENDING AGAINST THE PETITIONERS IN SPL.C.NO.500/2021 PENDING BEFORE THE LEARNED II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL.

IN CRL.P NO.4564/2021:

BETWEEN:

1. MR. S.M. BASAVARAJU
S/O LATE MR. SOMARAJU
AGED ABOUT 68 YEARS
RESIDING AT NO.6
4TH MAIN ROAD
VINAYAKA LAYOUT
VIJAYA NAGAR
BENGALURU-560 040.

2. MRS. NAGAMANI
W/O MR. S.M.BASAVARAJU
AGED ABOUT 62 YEARS
3. MRS. MANJUDEEPTI
W/O MR. S.M.BASAVARAJU
AGED ABOUT 35 YEARS
4. MR. KIRAN
S/O MR. S.M.BASAVARAJU
AGED ABOUT 33 YEARS

PETITIONER NOS.2 TO 4 ARE
RESIDING AT NO.408
4TH 'G' MAIN, H.R.B.R.
2ND BLOCK, KALYANA NAGAR
BENGALURU-560 043.

...PETITIONERS

(BY SRI. I.S. PRAMOD CHANDRA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY VIJAYANAGARA POLICE
BENGALURU
THROUGH THE STATE
PUBLIC PROSECUTORS
HIGH COURT BUILDINGS
DR. AMBEDKAR VEEDHI
BENGALURU-560 001.
2. MRS. H.V. SUPRIYA
W/O MR. B.K. ANAND
AGED ABOUT 37 YEARS
RESIDING AT NO.06
4TH MAIN ROAD
VINAYAKA LAYOUT
VIJAYNAGAR
BENGALURU-560 040.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. C.H. JADHAV, SENIOR COUNSEL FOR
SRI. CHETAN JADHAV, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE FIR AND FIRST INFORMATION IN CR.NO.253/2020 REGISTERED WITH VIJAYANAGAR POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 354(D), 506, 468, 420, 419, 471 R/W 34 OF IPC AND PENDING ON THE FILE OF THE LEARNED XXIV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU METROPOLITAN AREA AT BENGALURU.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 07.09.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

Crl.P.No.4749/2022 is filed praying this Court to set aside the order dated 19.08.2021 passed by the learned II Additional District Sessions Judge, Bengaluru Rural District, Bengaluru in Crime No.55/2020 taking cognizance for the offence punishable under Sections 3(1)(f)(g)(r)(s) and 3(2), (5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC/ST Act' for short) and Sections 420, 506, 120(B) read with Section 34 of IPC and consequently quash entire proceedings against the petitioners in Special Case No.500/2021 and grant such other relief.

2. Crl.P.No.4564/2021 is filed praying this Court to quash the proceedings initiated against the petitioners in Crime

No.253/2020 for the offences punishable under Sections 354(D), 506, 468, 420, 419, 471 read with Section 34 of IPC on the file of 24th Additional Chief Metropolitan Magistrate Bangalore, Metropolitan Area at Bangalore and pass such other order as deems fit in the circumstances of the case.

3. In Crl.P.No.2749/2022, it is contented by petitioners i.e., accused Nos.1, 2 and 4 that a false case is registered based on the complaint lodged by one Basavaraju S.M. i.e., respondent No.2 herein on 19.03.2020, wherein an allegation is made in the complaint that accused No.1-Supriya had informed the complainant that she was interested in selling her house. The said house was standing in the name of accused No.1-Supriya and complainant agreed to purchase the house for a sum of Rs.48,00,000/- and accused No.1 received an amount of Rs.47,00,000/- from the complainant and so also executed a lease-cum-sale agreement and handed over possession. However, the complainant alleges that accused No.1 had not registered the house in favour of the complainant and further, complainant came to know that accused No.1 had executed a gift deed in favour of her father and all of them had joined hands with one Channanayaka, a Bank Officer and had mortgaged the house to ICICI Bank Ltd. and obtained a loan of

Rs.98,99,930/- in the month of August, 2019. It is alleged that with an intention to cheat the complainant, accused No.1 created the documents. Based on the complaint, FIR was registered, investigation was conducted and charge sheet is filed against the petitioners.

4. Learned Senior counsel appearing for petitioners in Crl.P.No.2749/2022 in his argument would vehemently contend that very initiation of criminal case is an afterthought and complainant has already filed a suit in O.S.No.950/2019 and O.S.No.4416/2020 seeking the relief of specific performance and injunction against the petitioners herein and the same is pending adjudication. The respondent No.2-complainant having failed to get relief at the hands of Civil Court, in an ingenious method, had filed a private complaint. The counsel also would vehemently contend that afterthought, belatedly, an allegation is made invoking special enactment of SC/ST Act and in the first complaint dated 19.03.2020, no such allegation was made and only in order to harass the petitioners, the said provisions were invoked belatedly. It is further contended that respondent No.2 has given a twisted version to the civil case and converted the same as criminal case. Hence, the counsel would vehemently contend that it is nothing but an abuse of process.

The counsel also would vehemently contend that if any breach of contract, there cannot be any criminal prosecution and criminal prosecution is not a remedy for civil dispute. Having perused the averment of complaint, it is very clear that complainant has stated that when they were in good terms, he himself has secured property in the name of petitioners and only with an intention to wreck vengeance for private grudge, the complaint is filed.

5. Per contra, learned counsel for respondent No.2 had filed detailed statement of objections to Crl.P.No.2749/2022 and brought to the notice of this Court list of documents which have been filed dated 07.11.2023. Learned counsel for respondent No.2 in his argument would vehemently contend that a lease-cum-sale agreement was executed on 28.06.2016 and possession was delivered having received an amount of Rs.47,00,000/- and after adjusting the balance amount of Rs.1,00,000/- and on receiving the entire sale consideration, committed breach of trust and also with an intention to cheat, he executed the gift deed on 21.03.2019, though lease-cum-sale agreement was executed in the month of June, 2016 itself and received the entire sale consideration. The counsel would contend that when the civil suit was filed for the relief of

specific performance, temporary injunction was also granted and inspite of it, property was mortgaged for almost a crores of rupees. The counsel also would contend that complaint was filed on 19.03.2020 and counter complaints were also filed. The counsel would vehemently contend that when the complaint was filed by the complainant/respondent No.2, it could not be pursued, since the petitioners were very powerful and they did not get bail and even approached the Supreme Court and Supreme Court also directed to surrender before the Trial Court.

6. In reply to this argument of learned counsel for the respondents, learned counsel appearing for the petitioners in Crl.P.No.2749/2022 would submit that subsequent to appearance before the Trial Court, an application is filed and the accused persons were also discharged in that case.

7. In reply to this argument of learned counsel appearing for the petitioners in Crl.P.No.2749/2022, learned counsel appearing for the respondents would submit that the same is challenged before the Court and the same is pending adjudication.

8. In Crl.P.No.4564/2021, learned counsel for the petitioners would contend that as a counter blast, a false case has been registered invoking the offence punishable under Sections 354(D), 506, 468, 420, 419, 471 read with Section 34 of IPC. In the said counter blast complaint dated 05.11.2020, an allegation is made that the petitioners and their family members were harassed by the complainant. The complainant in the complaint has stated that she is working as a Contractor in BWSSB from 2012 and she was having acquaintance with petitioner No.1 through her family, who was retired Chief Engineer, BWSSB, Bangalore. The counsel also vehemently contend that allegation made in the complaint is nothing but an afterthought and false allegations are made that petitioner No.1 had borrowed money from respondent No.2/complainant and her family members to the tune of Rs.1.20 Crores in cash on different occasions. But, there are no iota of materials to show that any amount or any part thereof had been passed off from complainant or to his family members. The allegations made in the complaint are also very vague and it was anti-dated from 01.01.2010 to 01.11.2020 which spans over a decade, but there are no specific materials. However, the Police seem to have budged to the pressure tactics of respondent

No.2/complainant and her family members to get a case and registered the case.

9. The counsel also vehemently contend that Police have registered a case for the offences under Sections for 354(D), 506, 468, 420, 419, 471 read with Section 34 of IPC and in order to invoke these offences, no such material on record and though Police have registered the case, there is no any basis to invoke those offences and no specific transaction is mentioned in the complaint. It is contented that there are no ingredients for these offences and no grounds are made out by the complainant and also placed on record the material that cases and counter cases are registered in Crime No.46/2020, Crime No. 55/2020 and so also, the present case is filed with the Inspector of Police, Vijayanagara and inspite of explaining the same, case is registered and complaint is lodged as a counter blast to the first information lodged by petitioner No.1. The counsel also would vehemently contend that when they were cordial and they were in live-in relationship, in respect of pure civil liability, criminal colour was given and Police cannot venture to act on the complaint to such an extent mechanically and it is nothing but an arm twist in view of case and counter cases being registered. The counsel also would vehemently

contend that when they were in cordial terms and were in live-in relationship, both of them traveled to abroad and screenshots of conversation between petitioner No.1 and respondent No.2 evidence the travel of the parties and produced the documents of Annexures-F and G. It is contended that it is nothing but an abuse of process and hence, this Court has to invoke the provisions of Section 482 of Cr.P.C. or otherwise it amounts to miscarriage of justice.

10. Having heard respective counsels and also on perusal of material available on record, the points that would arise for consideration of this Court are:

- (i) Whether the petitioners have made out the ground to invoke the provisions of Section 482 of Cr.P.C to quash the proceedings initiated against them in CrI.P.No.2749/2022?
- (ii) Whether the petitioners have made out the ground to invoke the provisions of Section 482 of Cr.P.C to quash the proceedings initiated against them in CrI.P.No.4564/2021?
- (iii) What order?

Point No.(i):

11. In respect of Crl.P.No.2749/2022, this Court has taken note of the allegations made in the complaint and also the averments made in the charge sheet. While considering the grounds urged by learned counsel appearing for the petitioners as well as learned counsel appearing for the respondents, this Court would like to rely upon complaint of respondent No.2 dated 19.03.2020, wherein in the beginning, it is stated that they were in cordial terms and friendship turned into a relationship of family and complainant had spent lakhs of rupees to the family of the petitioners herein. Even, the complainant has stated that he had purchased both movable and immovable properties in the name of petitioner No.1. It is also stated that petitioner No.1 had agreed to sell house and payment of Rs.48,00,000/- was made in two installments. However, the allegation is that instead of executing the document had mortgaged the property and availed almost a Crore and even executed lease-cum-sale agreement and as against the same the document of gift deed is created. Having perused this complaint, it is very clear that no allegation of invoking of special enactment of SC/ST Act is mentioned at the first instance.

12. It is also to be noted that subsequently a complaint was given on 30.06.2020 and a request was made to the particular Court invoking the offence of SC/ST Act and ultimately, charge sheet was filed for both IPC offence and the offence under the special enactment of SC/ST Act. Having considered the first complaint dated 19.03.2020, only IPC offences are invoked. But, based on the subsequent complaint, the offences under special enactment of SC/ST Act are invoked. It has to be noted that these complaints are filed subsequent to filing of suit in O.S.No.950/2019 and the said suit was filed on 24.06.2019 and this complaint is filed in the month of March, 2020 and subsequently, in the month of June, 2020 and Police have investigated the matter and filed the charge sheet. Hence, it is clear that there was civil dispute between the parties and the same is also not disputed. But, learned counsel appearing for the respondents would contend that in the said civil suit also, there was an interim order and inspite of the said interim order, a document of mortgage was executed in connivance with the Bank Manager with an intention to defeat the right of the complainant.

13. Having taken note of contents of the first complaint, second complaint and charge sheet, it is very clear that there

was civil dispute between the parties. Having taken note of contents of the complaints, it is very clear that they were cordial till 2018 and thereafter, differences have arisen in respect of sale of property and towards payment of the sale consideration and having received the payment, subsequently documents are created and suit is also pending for Specific performance. While invoking Section 482 of Cr.P.C., it is well established that though the High Court possesses wide and plenary inherent jurisdiction, such power is not unbridled or unlimited, but circumscribed by self-imposed restraints evolved through judicial pronouncements.

14. This Court would like to rely upon the recent judgment of the Apex Court in **SUMIT BANSAL vs. MGI DEVELOPERS AND PROMOTERS AND ANOTHER** reported in **(2026) 6 SCC 366**, wherein considered the principles laid down in the judgment of Apex Court in **STATE OF HARYANA vs. BHAJAN LAL** reported in **1992 SUPP (1) SCC 335**. Having perused the principles laid down in the said judgment, it is very clear that allegations are made in the first information report, complaint and 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 which is held in

first principle. So also, the seventh principle is very clear that 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 covert and personal grudge. It is further held that High Court while exercising jurisdiction under Section 482 of Cr.P.C., cannot embark upon a “mini trial” or weigh the sufficiency of evidence, which falls within the domain of the Trial Court. Having taken note of the principles laid down in the judgment, it is very clear that Section 482 of Cr.P.C. is an extraordinary jurisdiction and the same has to be exercised sparingly. It is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it.

15. This Court would like to rely upon the judgment of the Apex Court in **INDIAN OIL CORPN. vs. NEPC INDIA LTD. AND OTHERS** reported in **(2006) 6 SCC 736**, wherein while exercising the power under Section 482 of Cr.P.C., for quashing criminal complaint alleging commission of various offences, held that if dispute arising from breach of contract

and when civil remedy available and availed of, remedy under criminal law, held not barred if the allegations disclose a criminal offences. The allegations contained in the complaint, taken on their face value, if, on facts, constituted offences under Penal Code, while dealing with issue of maintainability of the petition under Section 482, it is held that however, current practice of misuse of criminal process to put undue pressure in civil disputes deprecated. The Apex Court also dealt with regard to breach of contract, filing of criminal complaint, scope and maintainability. It is held that, if it is found that a frivolous criminal complaint had been filed knowing well that remedy lay only in civil law, person who filed such complaint should himself be made accountable in accordance with law at the end of such proceeding. So also, the Apex Court held that the Court should exercise the power under Section 250 Cr.P.C. frequently where there is malice or frivolousness or ulterior motives on the part of the complainant is found. In this judgment in paragraph No.12 also while considering point No.1, categorically held that a given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking

remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors.

16. The Apex Court also taken note of the principles laid down in the judgment in **G. SAGAR SURI vs. STATE OF U.P.** reported in **(2000) 2 SCC 636** and extracted paragraph No.8, which reads as hereunder:-

"It is to be seen if a matter, which is essentially of a civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a

great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which the High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice”.

17. Having considered misuse and abuse of powers, the dispute between the parties is essentially of a civil nature, has been given a cloak of criminal offence and criminal proceedings are not a short cut of other remedies available in law. Hence, the Court held that High Court is to exercise its jurisdiction under Section 482 of the Code and so also jurisdiction under this section has to be exercised to prevent abuse of the process of any Court. The Apex Court has also made an observation that one positive step that can be taken by the Courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under Section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant.

18. This Court also would like to rely upon judgment of the Apex Court in **SARDAR ALI KHAN vs. THE STATE OF**

UTTAR PRADESH THROUGH PRINCIPAL SECRETARY HOME DEPARTMENT & ANR. reported in **(2020) 12 SCC 51**, wherein the Apex Court particularly in paragraph No.9 held that when the dispute is of civil nature, for which civil suits are pending, allowing the 2nd respondent to pursue his complaint in criminal proceedings is nothing but abuse of the process of law. Hence, held that, criminal proceedings are fit to be quashed.

19. Having taken note of the principle and also considering the factual aspect of the case, complaint is very clear that both the family were friends and was having pure family relationship. The complainant has specifically stated that he had invested money for purchase of both movable and immovable property in the name of petitioners and dispute has arisen between the parties in respect of executing the document of sale deed. When such being the case, it is very clear that differences have arisen in respect of property transaction and it is purely a civil dispute. When such being the case, there cannot be abuse of process giving criminal colour in respect of civil dispute between the parties. Hence, I answer point No.(i) as 'affirmative' that there cannot be any criminal

prosecution in respect of civil dispute by giving a criminal colour.

Point No.(ii):

20. In Crl.P.No.4564/2021 also a prayer is sought for quashing the criminal prosecution initiated by one Smt.Supriya, who had lodged complaint against the petitioners and this Court has to take note of the allegations made in the complaint. Having perused the nutshell of the complaint dated 05.11.2020, the same is subsequent to registration of other complaint dated 19.03.2020 and 30.06.2020. But, this complaint is clear that the complainant was working as a Contractor and petitioner No.1 is an Engineer and other petitioners are the family members and also an allegation is made with regard to the transaction between both the parties that there was transaction to the extent of Rs.1.20 Crores for a decade. It is also an allegation that the complainant in complaint dated 19.03.2020 was misbehaving and outraging the modesty of complainant and when the demand was made to make the payment as owed by the petitioners, he was telling to make payment, he was insisting to subject herself for sexual act and made several attempts as well. But, the same was

resisted. The only allegation made against his wife, daughter and son is that they were insisted to give false evidence and except the said allegation against other family members, no other allegations were made. But, allegations are made against petitioner No.1 that he owes money and also made an attempt to outrage her modesty.

21. Having taken note of contents of the complaint, it is very clear that this complaint was given on 05.11.2020 and it is nothing but an offshoot of complaint dated 19.03.2020. It is also to be noted that in between both, cases and counter cases are registered and complaint dated 05.11.2020 is a counter blast for the complaint filed on 19.03.2020. It is rightly pointed out by learned counsel appearing for the petitioners that there was no allegation against petitioner Nos.2 to 4 except the allegation that they are insisting to give evidence in their favour, but severe allegation is made against petitioner No.1, who has been arraigned as accused No.1. But, it is very clear that it is nothing but a counter blast, since a civil dispute was pending between the parties and an attempt is made to arm-twist for their personal grudge and to wreck vengeance in view of differences in respect of property dispute.

22. Learned counsel for the petitioners brought to notice of this Court Annexures-F and G to evidence the fact that both of them were very cordial till 2018 and differences have arisen subsequently when the civil dispute arose between the parties and with regard to the same, a suit was also filed for the relief of specific performance and earlier complaint was also filed and subsequent to filing of the suit, criminal colour was given to the civil dispute. It is also evident from the document of Annexures-F and G that both the complainant and also petitioner No.1 traveled abroad as contended by learned counsel appearing for the petitioners and when the differences arose in 2018 onwards, civil suit was filed and conversation discloses the relationship as well as differences between them subsequently.

23. When such being the case, it is very clear that even contents of the complaint is very clear that earlier both the family were friends and family relationship has developed. But, only allegation is that he made an attempt to outrage the modesty and having taken note of contents of the complaint, it is very clear that there was dispute for payment of Rs.1.20 Crores and the said transaction has taken place for a decade and also dispute has arisen with regard to execution of

document of sale deed after extension of lease-cum-sale agreement and violation of terms and conditions of the same and it has led to filing of the suit and also the complaints. Having taken note of the principles laid down in the judgment in **Bhajan Lal's** case referred supra and also the principles laid down in the judgment, it amounts to abuse of process.

24. Having perused the principles in the said judgment, it is very clear that allegations are made in the first information report, complaint and 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 as held in first principle and so also, the second principle is very clear that 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 covert and personal grudge.

25. Hence, this Court is of the view that complaint dated 05.11.2020 is a counter blast to earlier complaint and abuse of process in respect of civil dispute and financial transaction are concerned. Further, an attempt is also made making an allegation of outraging the modesty, particularly the

documents of Annexures-F and G i.e., exchange of conversation between complainant and petitioner No.1 and a criminal colour is given to a civil dispute. Hence, I answer point No.(ii) as 'affirmative' that there cannot be any criminal prosecution in respect of civil dispute by giving a criminal colour and it is the result of counter blast of earlier complaint and an attempt is made to arm-twist for their personal grudge and to wreck vengeance in view of differences among them in respect of property dispute which is civil in nature.

Point No.(iii):

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

ORDER

- (i) Crl.P.No.2749/2022 is allowed and the order dated 19.08.2021 passed by the learned II Additional District Sessions Judge, Bengaluru Rural District, Bengaluru in Crime No.55/2020 for the offence punishable under Sections 3(1)(f)(g)(r)(s) and 3(2), (5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC/ST Act' for short) and Sections 420, 506, 120(B) read with Section 34 of IPC against the

petitioners in Special Case No.500/2021 is hereby quashed.

- (ii) CrI.P.No.4564/2021 is allowed and the proceedings initiated against the petitioners in Crime No.253/2020 for the offences punishable under Sections 354(D), 506, 468, 420, 419, 471 read with Section 34 of IPC on the file of 24th Additional Chief Metropolitan Magistrate Bangalore, Metropolitan Area at Bangalore is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

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