



CNR: KAHC010235012019

NC: 2026:KHC:45688
CRL.P No. 5622 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5622 OF 2019

BETWEEN:

1. SRI ERAPPA
S/O LATE BHEEMAPPA
AGED ABOUT 61 YEARS
OCC: BUSINESS
2. SMT. NAGARATHNAMMA
W/O ERAPPA
AGED ABOUT 53 YEARS
OCC: HOUSE WIFE
3. RAGHAVENDRA @ RAGHU
S/O ERAPPA
AGED ABOUT 35 YEARS
OCC: SOFTWARE ENGINEER
4. MADHUKARA @ MADHU
S/O ERAPPA
AGED ABOUT 33 YEARS
OCC: PRIVATE EMPLOYEE

ALL ARE RESIDENT OF
C/O T S LOKESH BUILDING,
1ST FLOOR, (BEHIND SKANDA VIDEO)
19TH CROSS, 21ST MAIN ROAD,
HRCR LAYOUT, NEAR MARUTHI MANDIRA
BANGALORE - 560 040.

...PETITIONERS

[BY SRI PATIL JAGADEESH GOUD, ADVOCATE FOR P1;
SRI KUSHAL GOWDA, ADVOCATE FOR
SRI ABHINAY Y.T., ADVOCATE FOR P2 TO P4 (PH)]

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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AND:

1. THE STATE OF KARNATAKA
BY SIRA POLICE
TUMKUR DISTRICT
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. KENCHAMMA
W/O G KARIYANNA
AGED ABOUT 53 YEARS
R/O UPPALAGERE
RANGANATHAPURA POST
JAVARAGONDANAHALLI HOBLI
HIRIYUR TALUK
CHITRADURGA DIST - 572 143.

...RESPONDENTS

[BY SRI SURYA MUKUNDARAJ L., ADDL. SPP FOR R1 (PH)
NOTICE TO R2 - SERVED & UNREPRESENTED]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH
ENTIRE PROCEEDING, ONLY IN RESPECT OF THESE PETITIONERS
ARE CONCERNED, PENDING ON THE FILE OF LEARNED SENIOR CIVIL
JUDGE & JMFC COURT, SIRA IN C.C.NO.114/2018,
(P.C.R.NO.11/2017), (CRIME NO.422/2017) FILED BY RESPONDENTS
UNDER SECTIONS 420, 504, 506, 114 R/W SECTION 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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ORAL ORDER

Seeking for quashing of entire proceedings in CC no.114/2018 arising out of PCR no.11/2017 on file of Senior Civil Judge and JMFC, Sira, for offences punishable under Sections 420, 504, 506, 114 read with Section 34 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Kushal Gowda, learned counsel appearing for Sri Abhinay YT., advocate for petitioners submitted that petitioners were accused no.1 to 5 in PCR no.11/2017 filed by respondent no.2 (**complainant**) stating that extent of 1 Acre and 37.5 guntas of land in Sy.no.58 of Kallukottu village, Sira Taluk belonged to accused no.1, having purchased it under Sale Deed dated 17.06.2002. Thereafter, it was re-numbered as Sy.no.58/4 and under Official Memorandum dated 09.01.2009 passed by Deputy Commissioner, said land was converted for non-agricultural residential purposes. It was further alleged that that on 03.06.2011, accused no.1 had sold extent of 55 X 45 ft. out of said land by showing a created layout plan and showing it to be Site no.10 and receiving entire sale consideration of Rs.1,98,000/-. But when complainant



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approached City Municipal Council, Sira for change of khata, his request was rejected on ground that accused no.1 had not obtained approval of layout from Tumkuru Urban Development Authority (**TUDA**). Though subsequently complainant learnt that accused no.1 had got layout approved from TUDA, accused ought to have executed a Rectification Deed in favour of complainant. But kept postponing said request on one or other pretext. Thereafter, he along with his family members vacated house at Sira and shifted to Bengaluru and when complainant went to house of accused, accused abused them in foul language and threatened to kill him. Alleging that same amounted to offences, complaint was filed. As per direction of learned Magistrate, FIR in Crime no.422/2017 was registered by Sira Police Station, Tumkur Rural and after completion of investigation, charge sheet was filed invoking offences punishable under Sections 420, 504, 506, 114 read with Section 34 of IPC against accused. Aggrieved thereby, present petition was filed.

3. It was firstly submitted, entire allegation in complaint disclosed that same was in relation to immovable



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property and purely civil dispute. Sale Deed as well as complainant's statement would reveal that Sale Deed was executed only by accused no.1 and without any participation whatsoever by accused no.2 to 4. Even insofar as incident stated to have occurred on 24.06.2017 in house of accused, complaint averments as well as imputation in Column no.17 of charge sheet would mention presence of only complainant. But charge sheet was filed with statements of CWs.2 to 5 each of whom claimed to have accompanied complainant to house of accused and were eye witnesses. It was submitted that absence of any explanation for including CWs.2 to 5 as eye witnesses would substantiate that complaint was filed only to harass, which would be an abuse of process of law and sought for quashing.

4. Respondent no.2-complainant is served and unrepresented.

5. On other hand, learned Addl.SPP for respondent-State opposed petition. It was submitted that there was consistency insofar as contents of complaint, charge sheet and statement of witnesses about accused no.1 showing a created



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layout plan and selling Site no.10 in favour of complainant even prior to obtaining approval of layout, which was one of conditions imposed in order of Deputy Commissioner approving conversion of land. Same would constitute *prima facie* material insofar as accused no.1.

6. Insofar as accused no.2 to 4, it was submitted that eye witnesses - CWs.2 to 5 had consistently stated about utterance of abusive words by accused to complainant, when he visited house of accused to request for execution of Rectification Deed. Same would constitute *prima facie* material against petitioners no.2 to 4 and sought for dismissal.

7. Heard learned counsel and perused material on record.

8. This petition is by accused no.1 to 4 challenging charge sheet and entire proceedings for offences punishable under Section 506, 420, 504, 114 and Section 34 of IPC. Bare perusal of complaint, charge sheet imputations as well as statements of witnesses recorded during investigation would indicate that dispute arose out of transaction between complainant and accused no.1 in relation to land (Site no.10).



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As per complaint/charge sheet imputations, approval of layout from TUDA was obtained much after execution of Sale Deed in favour of complainant herein. Sale Deed is executed by accused no.1 alone. Consequently, it would appear that Sale Deed in favour of complainant was executed without approval of layout and based on created/forged layout plan. This would indicate *prima facie* material against accused no.1 for offences alleged. Though CWs.2 to 5 consistently stated about incident occurred on 24.06.2017 in house of accused, there is absolutely no mention of anyone accompanying complainant to house of accused either in private complaint or in charge sheet imputations. Same would cast a grave suspicion about involvement of accused no.2 to 4 in offences alleged.

9. Hon'ble Supreme Court in case of ***Union of India v. Prafulla Kumar Samal*** reported in ***(1979) 3 SCC 4*** has held in case of suspicion about involvement of accused, Court would be justified in quashing of proceedings.

10. In view of above, petition is ***allowed in part***, proceedings in CC no.114/2018 arising out of PCR no.11/2017 on file of Senior Civil Judge and JMFC, Sira, for offences



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punishable under Sections 420, 504, 506, 114 read with Section 34 of IPC are *quashed* insofar as petitioners no.2 to 4. Liberty is reserved to petitioner no.1 to urge contentions urged herein at appropriate stage.

In view of disposal of petition, pending applications, if any, stand *disposed of*.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 Sl No.: 21