



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 8<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI**

**CRIMINAL PETITION NO. 5262 OF 2021**

**BETWEEN:**

1. SRI. JAIRAJ  
SON OF LATE JOJAPPA  
AGED 63 YEARS,  
R/AT NO.107/85, CHURCH STREET  
ADIGONDANAHALLI  
BENGALURU - 560 099.
2. MR. RENOLD VIJAY J  
SON OF MR. JAIRAJ  
AGED ABOUT 30 YEARS  
RESIDING AT NO.127  
ANTHONY ROAD,  
NEAR ST. PIUS X CHURCH  
KAMMANAHALLI  
BENGALURU - 560 084.
3. MR. RENARD VIVEK J  
SON OF MR. JAIRAJ  
AGED ABOUT 29 YEARS  
R/AT NO.127, ANTHONY ROAD,  
NEAR ST. PIUS X CHURCH  
KAMMANAHALLI, BENGALURU - 560 084.

...PETITIONERS

(BY SRI. MOHD. MUJASSIM, ADVOCATE FOR  
SRI. AVINASH P, ADVOCATE)

**AND:**

1. STATE BY SURYANAGAR P.S.,  
REPRESENTED BY THE  
STATE PUBLIC PROSECUTOR

Digitally signed  
by ANUSHA V  
Location: High  
Court of  
Karnataka



HIGH COURT BUILDING  
BENGALURU - 560 001.

2. MR. JOHN VINNI  
SON OF LATE ANTHONY SWAMY  
AGED ABOUT 33 YEARS  
R/AT ALIBOMMASANDRA VILLAGE  
ATTIBELE HOBLI, ANEKAL TALUK  
BANGALORE URBAN DISTRICT  
BENGALURU - 562 107.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;  
SRI. N.B.N. SWAMY, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S. 482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.63/2021 FOR THE OFFENCE P/U/S 420, 423, 425,441, 463 OF IPC REGISTERED BY RESPONDENT NO.1 PENDING BEFORE THE II ADDITIONAL CIVIL JUDGE (JR.DN) AND JMFC, ANEKAL, BENGALURU RURAL DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

**ORAL ORDER**

Challenging registration of FIR in Crime no.63/2021 for offences punishable under Section 420, 423, 425, 441 and 463 of Indian Penal Code, 1860 (**IPC**), presently stated to be in pursuance of PCR no.377/2020 on file of II Additional Civil Judge and JMFC at Anekal, this Petition is filed.

2. Sri Mohammed Mujassim, learned counsel appearing for Sri P.Avinash, learned counsel for petitioners submitted that petitioners were accused no.1, 9 and 10 in PCR



no.377/2020 filed by respondent no.2, alleging that complainant and his family were absolute owners and in lawful possession and enjoyment of 19 guntas of land bearing Sy.no.30/1 of Alibommasandra village, Sarjapura Hobli, Anekal Taluk. It was stated that said property originally belonged to one Rayappa S/o.Aralappa grandfather of complainant. After death of said Rayappa, his children entered into a Jubane Panchayath Parikath on 12.01.1994 wherein said land fell to share of complainant's father Anthonyswamy whose name was mutated in revenue records.

3. It is further alleged that accused no.1 to 8 filed a collusive suit in O.S.no.1108/2018 on file of Senior Civil Judge at Anekal and obtained a compromise decree on 19.12.2018. Even though revenue entries in respect of property stood in name of complainant's father, based on said collusive decree, they got their names entered. On coming to know of same, complainant filed O.S.no.257/2020 on file of Senior Civil Judge, Anekal, for declaration of title as well as for setting aside collusive decree in O.S.no.1108/2018. An appeal against revenue entry was also filed and interim order obtained.



4. Such being case, execution of registered gift deed by accused no.1 on 01.06.2020 in favour of accused no.2 and 3, was in contravention of law and an offence. It was stated though he approached jurisdictional police, they issued endorsement that dispute was civil in nature. It was submitted that bare perusal of complaint would indicate that dispute between parties was entirely civil in nature and filing of private complaint, when complainant had already filed a civil suit for declaration would amount to abuse of process of law and sought for quashing.

5. On other hand, Smt.Sowmya R., learned High Court Government Pleader for respondent - State as well as Sri N.B.N.Swamy, learned counsel appearing for respondent no.2, opposed petition. It was submitted that admittedly revenue entries in respect of properties stood in name of complainant. Complainant was also in possession of property as per Jubane Panchayath Parikath and had put up construction thereon.

6. Such being case, filing of suit in O.S.no.1108/2018 reporting compromise within three days of filing of suit in respect of property of which complainant was in possession was



indicative of collusion. Thereafter when complainant had filed suit for declaration and obtained interim injunction, execution of gift deed by accused no.1 in favour of accused no.2 and 3 would constitute offences as alleged and therefore, initiation of proceedings was justified. On said ground sought for dismissal.

7. Heard learned counsel. Perused material on record.

8. This petition is by accused no.1, 9 and 10 being aggrieved by registration of FIR in pursuance of direction in private complaint filed by respondent no.2 -complainant. A bare perusal of private complaint indicate that grievance of complainant is alleged disturbance by accused of his right, title and possession over immovable property. While complainant alleges that accused were claiming right under a collusive decree, it is seen that complainant has since filed suit for declaration of his title and setting aside of compromise decree.

9. It also appears that alleged incident of execution of registered gift deed on 01.06.2020 is during pendency of O.S.no.257/2020 filed by complainant on 10.03.2020 and may be a *pendete lite* transfer. When complainant has taken recourse to civil remedies against alleged acts of accused



disturbing his right, title, interest and possession over immovable property, resort to criminal proceedings would be nothing but abuse of process of law. Hon'ble Supreme Court in case of ***Paramjeet Batra v. State of Uttarakhand*** reported in **(2013) 11 SCC 673** has held that a party to civil transactions cannot be permitted to convert and criminalize same by resorting to criminal proceedings. Following said ratio and as transactions/allegations grievance of complainant are purely civil in nature, petition would succeed.

10. Hence, Petition is ***allowed***. Proceedings in Crime no.63/2021 for offences punishable under Section 420, 423, 425, 441 and 463 of Indian Penal Code, 1860, registered by respondent no.1 PCR no.377/2020 on file of II Additional Civil Judge (Jr.Dn.) and JMFC at Anekal, Bengaluru Rural District stand quashed *qua* petitioners-accused no.1, 9 and 10.

**Sd/-**  
**(RAVI V HOSMANI)**  
**JUDGE**